

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRET HENRY KELLER,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

WASHOE,

Respondent.

No. 76645

**FILED**

SEP 14 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK


*ORDER DENYING PETITION*

This original petition for a writ of mandamus seeks an order directing respondent to enter an amended judgment of conviction for Bret Henry Keller that reflects he received 133 days of presentence credit. We have considered the petition, and without deciding upon the merits of any claims raised, we decline to exercise our original jurisdiction in this matter. *See* NRS 34.160; NRS 34.170; NRAP 21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Keller asserts he has already filed a motion for an amended judgment of conviction seeking the credits, but the district court has not ruled on his motion. We note, however, that Keller has not followed the proper procedure for raising his claim because a claim challenging the grant of presentence credit is a challenge to the validity of the judgment of conviction that must be raised on direct appeal or in a postconviction petition for a writ of habeas corpus filed in the district court in compliance with the provisions

of NRS chapter 34.<sup>1</sup> *See Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Bret Henry Keller  
Attorney General/Carson City  
Washoe District Court Clerk

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<sup>1</sup>We express no opinion as to whether Keller could meet the procedural requirements for filing a direct appeal, *see* NRAP 4(b), or for filing a postconviction petition, *see* NRS chapter 34.