

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRY L. SMITH,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,

Respondent,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 77292-COA

FILED

JAN 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus and/or prohibition challenges the Nevada Department of Corrections' (NDOC) statutory interpretation of NRS 209.4465(7)(b) and NRS 209.4465(8). Terry L. Smith asserts that NDOC is improperly applying NRS 209.4465(8) to deny application of credits to Smith's minimum sentence.


We have considered the petition, and we decline to exercise our original jurisdiction in this matter. See NRS 34.170; NRS 34.330; 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."). Young is challenging the computation of time he has served. A postconviction petition for a writ of habeas corpus filed in the district court in the county in which the petitioner is incarcerated "[i]s the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a



judgment of conviction." NRS 34.724(2)(c); *see* NRS 34.738(1). Accordingly,
without deciding upon the merits of any claims raised, we

ORDER the petition DENIED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Terry L. Smith
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk