

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BLAKE LAWRENCE ANDERSON,
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. 76656-COA

FILED

JAN 31 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus seeks an order declaring Blake Lawrence Anderson's judgment of conviction void. Anderson asserts the district court lacked jurisdiction when it proceeded with his trial because he had an appeal pending in the Nevada Supreme Court at that time.

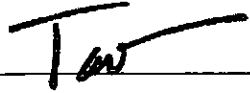
We have considered the petition and all documents filed in this matter, and we conclude this court's intervention by way of extraordinary writ is not warranted for two reasons. First, Anderson's claim is a challenge to the validity of his judgment of conviction that could be raised on direct appeal or in a postconviction petition for a writ of habeas corpus that is filed in the district court in the first instance.¹ See NRS 34.170 (providing the


¹We express no opinion as to the timeliness of any such direct appeal, see NRAP 4(b)(1), or whether Anderson could meet the procedural requirements of NRS chapter 34.

writ should issue only where there is no plain, speedy, and adequate remedy at law). Second, Anderson's claim lacks merit. The Nevada Supreme Court dismissed Anderson's appeal for lack of jurisdiction. *See Anderson v. State*, Docket No. 75249 (Order Dismissing Appeal, March 28, 2018). Because the Nevada Supreme Court never obtained jurisdiction over Anderson's appeal, the district court was never divested of jurisdiction over Anderson's case and it was permitted to proceed with the trial. *See e.g., Chapman Industries v. United Insurance Company of America*, 110 Nev. 454, 457-58, 874 P.2d 739, 741 (1994) (where notice of appeal was of no effect, the district court retained jurisdiction to consider post-judgment motions). Accordingly, we

ORDER the petition DENIED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Blake Lawrence Anderson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk