

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDREI MARCUS DAVIS,
Petitioner,

vs.

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

Respondent,

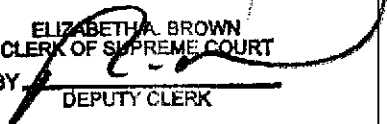
and

THE STATE OF NEVADA,
Real Party in Interest.

No. 77502-COA

FILED

JAN 31 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DENYING PETITION


In this original petition for a writ of certiorari, Andrei Marcus Davis challenges his judgment of conviction, alleging the complaint in his case did not properly charge him with conspiracy to commit murder, murder with the use of a deadly weapon, or robbery with the use of a deadly weapon because the complaint was never file stamped. Davis asserts that because the complaint lacked a file stamp, the lower court never obtained jurisdiction in his case and, therefore, all subsequent proceedings, including trial, were null and void.


We decline to exercise our discretion to entertain the petition. *See Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987) (recognizing that the issuance of a writ of certiorari is discretionary). Davis has a plain, speedy, and adequate remedy at law that precludes writ relief—he can raise a challenge to his judgment of conviction in a postconviction petition for a writ of habeas corpus that is filed in the

district court in the first instance.¹ See NRS 34.020(2); NRS 34.724(1), (2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Andrei Marcus Davis
Clark County District Attorney
Eighth District Court Clerk

¹We express no opinion as to whether Davis could meet the procedural requirements of NRS chapter 34.