

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEITH ARLANDO BURWELL,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
BRIAN WILLIAMS, WARDEN; AND
THE STATE OF NEVADA,
Real Parties in Interest.

No. 78890-COA

FILED

JUN 25 2019

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

ORDER DENYING PETITION

In this original petition for a writ of habeas corpus, Keith Arlando Burwell alleges his speedy trial rights have been violated. Burwell asserts he invoked his speedy trial rights on February 19, 2019, and he has not yet been to trial. He also asserts he is being maliciously prosecuted and the district court judge is failing to uphold her oath of office because she has not dismissed his case.

“An application for an original writ of habeas corpus should be made to the appropriate district court” in the first instance. NRAP 22. And Burwell does not allege he previously sought and was denied habeas relief in the district court. Further, he has not alleged or demonstrated he sought dismissal of his case in the district court. Finally, Burwell’s claims raise issues of fact that should be considered by the district court in the first instance. *See Zobrist v. Sheriff, Carson City*, 96 Nev. 625, 626, 614 P.2d 538, 539 (1980). Therefore, we decline to exercise our original jurisdiction

in this matter. *See id.* (indicating this court has discretion to decide whether to entertain an original petition for a writ of habeas corpus). Accordingly, without reaching the merit of any claims raised, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Mary Kay Holthus, District Judge
Keith Arlando Burwell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk