IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE MICHAEL
VILLANI, DISTRICT JUDGE; AND
STEVEN B. WOLFSON,
Respondents.

No. 72404

ORDER DENYING PETITION

This is an original petition for a writ of mandamus seeking an order vacating petitioner's judgment of conviction. Petitioner appears to assert the district court lacked jurisdiction to adjudicate his case because the court erroneously permitted an unknown person to enter the jury deliberation room, after the jury had begun deliberations, to give the jury an instruction without first reading that instruction in court. Petitioner further asserts the granting of a demurrer to a defense brief on the jury verdict acted as an acquittal; his sentence is illegal under *Apprendi v. New Jersey*, 530 U.S. 466 (2000); the statutes under which he was prosecuted are void because they were not properly enacted; and he has not been given proper credit for time served.

Having considered the documents submitted in this matter, we conclude petitioner has not demonstrated our intervention by extraordinary writ relief is warranted. *See* NRS 34.160; *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."). Specifically, it appears petitioner's claims could have been raised either on direct appeal or in a postconviction petition for a writ of habeas corpus and, thus, he had a plain, speedy, and adequate remedy at law. *See* NRS 34.170. Accordingly, without deciding upon the merits of any claims raised therein, we

ORDER the petition DENIED.

_____, C.J.
Silver

_____, J.
Tao

_____, J.
Gibbons

cc: Hon. Michael Villani, District Judge
Steven Samuel Braunstein
Attorney General/Carson City
Eighth District Court Clerk