

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,
Respondent,
and
BRIAN WILLIAMS, WARDEN; AND
THE STATE OF NEVADA,
Real Parties in Interest.

No. 79537-COA

FILED

SEP 30 2019

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

ORDER DENYING PETITION

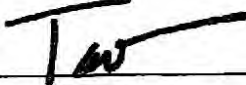
In this original "First Amendment Petition for Writ of Habeas Corpus," Steven Samuel Braunstein challenges his judgment of conviction. Braunstein claims: (1) the Nevada Supreme Court's 2011 decision in one of his cases is inconsistent with a U.S. Supreme Court opinion issued in 2010; (2) he has not received all credit he is entitled to in district court case number C-149632; (3) his judgment of conviction is illegal because the district court modified the credit he received for time served without him being present; (4) his trial and appellate counsel were ineffective for failing to argue that the jury was not properly sworn in prior to trial; (5) the district court lacked jurisdiction because the jury was not properly sworn in before trial; and (6) the district court lacked jurisdiction to resolve his motion for a new trial.

We decline to exercise our original jurisdiction in this matter. See NRAP 22 ("An application for an original writ of habeas corpus should

be made to the appropriate district court.”); *see also Zobrist v. Sheriff, Carson City*, 96 Nev. 625, 626, 614 P.2d 538, 539 (1980) (indicating this court has discretion to decide whether to entertain an original petition for a writ of habeas corpus and that such petitions raising questions of fact should be considered “by a tribunal equipped to handle that task”). We note, a challenge to the validity of the judgment of conviction must be raised in a postconviction petition for a writ of habeas corpus filed in the district court for the county in which the conviction occurred.¹ NRS 34.724(2)(b); NRS 34.738(1). Accordingly, without reaching the merit of any claims raised, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Steven Samuel Braunstein
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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