

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON ARTHUR ALTHEIDE,  
Petitioner,  
vs.  
THE FIFTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF NYE,  
Respondent.

No. 80426-COA

**FILED**

FEB 04 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*


In this original petition for a writ of mandamus, Jason Arthur Altheide seeks an order directing the district court to vacate his guilty plea. Altheide argues his guilty plea was not validly entered because the district court failed to identify the maximum punishment that he would be subject to. Altheide asserts he must raise this issue in this court because he is procedurally barred from raising it in a postconviction petition for a writ of habeas corpus.


We have reviewed the documents submitted in this matter, and without deciding upon the merit of the claim raised, we decline to exercise our original jurisdiction. See NRS 34.160; NRS 34.170; NRAP 21(b)(1); *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.”). As Altheide recognizes, his claim is a challenge to the validity of the judgment of conviction. Such a challenge must be raised in a postconviction petition for a writ of habeas corpus filed in the district court in the first instance. NRS 34.724(2)(b); NRS 34.738(1). The fact that

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Altheide may have to overcome procedural bars in order to raise his claim<sup>1</sup> is not a sufficient basis for this court to intervene by way of extraordinary writ. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Jason Arthur Altheide  
Attorney General/Carson City  
Nye County Clerk

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<sup>1</sup>We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.