

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WALTER LASHAN SMITH,
Appellant,
vs.
CHARLES DANIELS, DIRECTOR;
JERRY HOWELL, WARDEN; THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 81739-COA

FILED

MAY 14 2021

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

ORDER OF AFFIRMANCE


Walter Lashan Smith appeals from an order of the district court denying a petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

In his March 6, 2020, petition, Smith contended the Nevada Department of Corrections improperly declined to apply his statutory credits toward his maximum term and his minimum parole eligibility date. A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. "Petitioners carry the burden of demonstrating that extraordinary relief is warranted." *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). "We generally review a district court's grant or denial of writ relief for an abuse of discretion." *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

A postconviction petition for a writ of habeas corpus is a plain, speedy, adequate, and exclusive remedy for Smith to challenge the computation of time served. See NRS 34.724(2)(c). Accordingly, we conclude the district court did not abuse its discretion by denying Smith's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Walter Lashan Smith
Attorney General/Carson City
Eighth District Court Clerk