

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK THOMAS GEORGANTAS,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARY KAY HOLTHUS, DISTRICT  
JUDGE,

Respondents,

and,

CALVIN JOHNSON, WARDEN; AND  
THE STATE OF NEVADA,

Real Parties in Interest.

MARK THOMAS GEORGANTAS,  
Petitioner,

vs.

THE HONORABLE MARY KAY  
HOLTHUS, DISTRICT JUDGE; AND  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,

Respondents,

and,

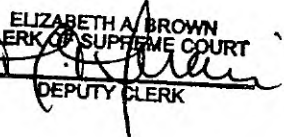
CALVIN JOHNSON, WARDEN; AND  
THE STATE OF NEVADA,

Real Parties in Interest.

No. 85992

**FILED**

FEB 17 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

No. 86042

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This pro se emergency petition for a writ of mandamus raises a number of issues arising from district court postconviction proceedings,

including (1) the denial of petitioner's motion to correct perjured testimony before the grand jury, (2) the denial of petitioner's request for standby counsel to assist in pursuing postconviction relief, and (3) delay in resolving petitioner's motion to modify sentence, which assertedly was taken off calendar pending resolution of the counsel issue.<sup>1</sup>

Petitioner bears 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). Problematically, petitioner has not provided this court with exhibits or other documentation that would support his claims for relief. See NRAP 21(a)(4) (providing the petitioner shall submit an appendix containing all documents "essential to understand the matters set forth in the petition"). Moreover, several of the issues petitioner presents can be raised in a postconviction petition for habeas corpus or motion for other relief, which provide him with adequate legal remedies precluding writ relief. See NRS 34.170; *Pan*, 120 Nev. at 224-25, 88 P.3d at 841. Finally, while it appears from the petition that a final decision as to counsel has not yet been rendered, we note that petitioner has no right to standby counsel and the court's appointment of such counsel is discretionary, see *McConnell v. State*, 125 Nev. 243, 252-53, 212 P.3d 307, 314 (2009), *as corrected* (July 24, 2009). Therefore, without deciding the

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<sup>1</sup>Petitioner's notice of emergency petition and addendum were filed in Docket No. 85992, while the subject petition and a motion to waive the filing fees were filed in Docket No. 86042. We hereby consolidate the dockets for purposes of decision, NRAP 3(b), and we deny as moot the motion to waive fees, as the filing fees for both cases were waived upon docketing. Petitioner's requests for this court to serve documents on the respondents and/or real parties in interest are denied.

merits of the issues raised, we decline to exercise our original jurisdiction in this matter. See NRAP 21(b).

ORDER the petition DENIED.

Stiglich, C.J.  
Stiglich

Cadish, J.  
Cadish

Herndon, J.  
Herndon

cc: Hon. Mary Kay Holthus  
Mark Thomas Georgantas  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk