

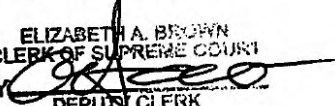
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEROMY OELKER,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87790-COA

**FILED**

MAR 18 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

In this original petition for a writ of certiorari and related pleadings, Jeromy Oelker argues that his judgment of conviction is void because the justice court lost jurisdiction over his case and, thus, the district court never had jurisdiction.

A writ of certiorari is available where the lower court has exceeded its jurisdiction, “there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy.” NRS 34.020(2). Petitions for extraordinary writs are addressed to the sound discretion of the court, *see Zamarripa v. First Jud. Dist. Ct.*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987); *Poulos v. Eighth Jud. Dist. Ct.*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982), and the “[p]etitioner[ ] carr[ies] the burden of demonstrating that extraordinary relief is warranted,” *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Oelker contends the justice court lost subject matter jurisdiction over his case for the following reasons. He asserted and did not waive his right to represent himself; the prosecutor lied about why Oelker was not transported for an initial arraignment; the justice court violated his First Amendment right to be heard when it denied his pro se motion to

dismiss the charges; the justices of the peace exhibited bias by only orally denying his pro se motion to dismiss the charges, denying him a bail hearing, giving erratic responses that chilled Oelker's speech, and not "enforc[ing] the District Attorney to provide the burden for the delay"; the probable cause affidavit, criminal complaint, and information were not signed; transcripts of justice court proceedings are not accurate and the court reporter refuses to provide Oelker with a copy of the audio recordings; and the State breached the plea agreement because the Clerk of the Court transferred writs he filed in the supreme court to the court of appeals.

Our inquiry "is limited to whether the inferior tribunal acted in excess of its jurisdiction. If it is determined that the act complained of was within the jurisdiction of the tribunal, this court's inquiry stops even if the decision or order of the lower court was incorrect." *Wolzinger v. Eighth Jud. Dist. Ct.*, 105 Nev. 160, 165-66, 773 P.2d 335, 338 (1989). "Subject matter jurisdiction is the court's authority to render a judgment in a particular category of case." *Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) (internal quotation marks omitted). Oelker's claims do not implicate the jurisdiction of the justice court and, accordingly, of the district court. *See Koller v. State*, 122 Nev. 223, 228, 130 P.3d 653, 656 (2006) ("[J]ustice courts have jurisdiction to conduct preliminary examinations in felony complaints."); *Huebner v. State*, 103 Nev. 29, 32, 731 P.2d 1330, 1333 (1987) ("Mere delay between arrest and arraignment, without some showing of prejudice to defendant's constitutional rights, does not deprive the court of jurisdiction to proceed.").<sup>1</sup>

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<sup>1</sup>To the extent Oelker contends he is entitled to relief pursuant to NRCP 60(b), we note that claims brought pursuant to the Nevada Rules of Civil Procedure must be raised in the district court in the first instance. *See*

Oelker also challenges the Nevada Supreme Court's denial of his original petition for a writ of habeas corpus. *See Oelker v. State*, No. 87377, 2023 WL 7203063 (Nev. Oct. 30, 2023) (Order Denying Habeas). Any challenge to that final determination had to be made in a petition for rehearing to that court, *see* NRAP 40; *cf.* NRAP 27(b) (allowing for the filing of a motion to vacate for a procedural order), and is not properly before this court. *See also Eivazi v. Eivazi*, 139 Nev., Adv. Op. 44, 537 P.3d 476, 487 n.7 (Ct. App. 2023) (“[T]his court cannot overrule Nevada Supreme Court precedent.”). Accordingly, he is not entitled to relief on this claim.

Oelker also challenges the actions of the Clerk of the Court. To the extent he challenges the Clerk's actions in other original proceedings before the appellate courts, he does not allege that the Clerk exercised judicial functions that exceeded its jurisdiction. We thus conclude these arguments are outside the scope of a petition for a writ of certiorari brought pursuant to NRS 34.020(2). To the extent he challenges the Clerk's actions in docketing his “memorandum in support N.C.R. 60(b)(3) and 60(b)(4); irreparable injury N.R.A.P. 3(C)” and “memorandum in support of double jeopardy; irreparable injury N.R.A.P. 3(c)” in a separate docket number (no. 87831), we note that the Clerk has administratively closed Docket No. 87831 and transferred those documents to the instant case. Accordingly, we conclude Oelker is not entitled to relief on these claims.

Finally, Oelker appears to ask this court to order the complete record from the lower court proceedings and to “award future/Incidental


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NRCP 1 (“These rules govern the procedure in all civil actions and proceedings in the district courts . . .”). And to the extent Oelker contends he is entitled to relief pursuant to FRCP 60, we note that the Federal Rules of Civil Procedure do not apply in state courts. *See* FRCP 1.

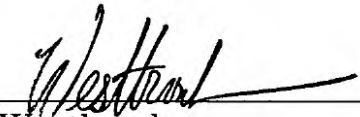
attorney fees.” It is petitioner’s responsibility to provide this court with an appendix. See NRAP 21(a)(4); see also NRAP 30. And Oelker has not demonstrated he is entitled to attorney fees. Accordingly, we conclude Oelker is not entitled to relief on these claims.

For the foregoing reasons, we conclude Oelker has failed to demonstrate that extraordinary relief is warranted, and we

ORDER the petition DENIED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Jeromy Oelker  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk