

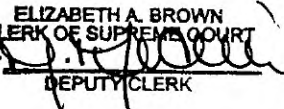
IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY WOOD,
Petitioner,
vs.
NEVADA BOARD OF PARDONS
COMMISSIONERS; AND MEREDITH
SALLING, EXECUTIVE SECRETARY,
PARDONS BOARD,
Respondents.

No. 88605

FILED

MAY 17 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

This is an original pro se petition for a writ of habeas corpus seeking the expiration of petitioner Tony Wood's life sentence and his release from custody.

Wood was convicted in 1978 of first-degree murder and sentenced to serve a prison term of life without the possibility of parole. See *Wood v. State*, 97 Nev. 363, 632 P.2d 339 (1981) (affirming Wood's judgment of conviction on direct appeal). In this petition, Wood claims that the application of NAC 213.103 to bar his application for clemency amounts to ex post facto and due process violations, and he seeks his release from custody.

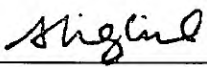
Wood does not allege that he previously sought and was denied habeas relief in the district court. See NRAP 22 (stating that "[a]n application for an original writ of habeas corpus should be made to the appropriate district court" in the first instance). A petition for a writ of habeas corpus should be filed in the district court in the first instance so that factual and legal issues are fully developed, giving this court an adequate record to review. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that "an appellate


court is not an appropriate forum in which to resolve disputed questions of fact"); *State v. County of Douglas*, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that "this court prefers that such an application [for writ relief] be addressed to the discretion of the appropriate district court" in the first instance), *abrogated on other grounds by Cortez Masto v. Gypsum Res.*, 129 Nev. 23, 33-34, 294 P.3d 404, 410-11 (2013).

Wood bears the burden of showing that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). We conclude that Wood has failed to demonstrate our intervention by extraordinary writ is warranted. Therefore, we decline to exercise our original jurisdiction in this matter. *See* NRAP 21(b). Nothing in this order precludes Wood from appealing from any district court order denying his petition for habeas corpus below in accordance with NRS 34.575 and NRAP 22. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

cc: Tony Wood
Attorney General/Carson City