

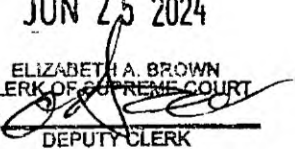
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHNNY E. MCMAHON,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88814

FILED

JUN 25 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING HABEAS PETITION

This is an original pro se petition for a writ of habeas corpus seeking petitioner's immediate release from the custody of the Nevada Department of Corrections.

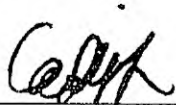
Petitioner was convicted in 2008 after a jury trial of three counts of sexual assault of a minor under 16 years of age and open or gross lewdness and sentenced to serve concurrent prison terms totaling 20 years to life in the aggregate. In this petition, petitioner claims that the State committed prosecutorial misconduct and violated *Brady v. Maryland*, 373 U.S. 83 (1963), by withholding exculpatory evidence, and that the justice court lacked subject matter jurisdiction over him. Both of these claims have previously been considered and rejected by this court. *See McMahon v. Eleventh Jud. Dist. Ct.*, No. 87297, 2023 WL 6532650 (Nev. Oct. 5, 2023) (Order Denying Petition for a Writ of Mandamus); *McMahon v. Eighth Jud. Dist. Ct.*, No. 77864, 2019 WL 442302 (Nev. Jan. 31, 2019) (Order Denying Petition for Writ of Prohibition); *see also McMahon v. State*, No. 87626, 2024 WL 91807 (Nev. Jan. 1, 2024) (Order Denying Habeas Petition) (acknowledging that these claims were previously considered and rejected).

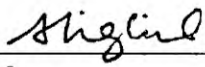
Additionally, petitioner does not allege that he previously sought and was denied habeas relief in the district court. See NRAP 22 (stating that “[a]n application for an original writ of habeas corpus should be made to the appropriate district court” in the first instance). A petition for a writ of habeas 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. Cnty. 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).

Petitioner bears the burden of showing that extraordinary relief is warranted. See *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). We conclude that petitioner 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). Accordingly, we

ORDER the petition DENIED.¹


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

cc: Johnny Edward McMahon
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Given our disposition of this matter, petitioner's for (1) motion to unseal a record and produce an arrest warrant and certain court minutes; (2) "Emergency Motion Under NRAP 27(e)(2) for court to arrest petition for writ of habeas corpus in less than 14 days;" and (3) motion for leave to file petition with excess pages are denied.