


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMARENE COLEMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87992-COA

FILED
SEP 12 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Demarene Coleman appeals from a district court order denying a petition for a writ of mandamus filed on October 9, 2023.¹ Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Coleman contended that the method for determining the credit that should be applied toward an offender's sentence had been revised by Senate Bill (S.B.) 413 and that these revisions should apply to him. The district court denied the petition because (1) S.B. 413, which was passed by the Nevada Legislature in 2023, does not become effective until July 1, 2025; and (2) Coleman had a plain, speedy, and adequate remedy in the ordinary course of the law through a postconviction habeas petition. On appeal, Coleman appears to contend that a petition for a writ of mandamus was the proper vehicle to pursue his claim because he sought an order compelling the government to perform its duties correctly.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or

¹Coleman alternatively sought a writ of prohibition but did not provide cogent argument regarding that relief. Therefore, we need not consider it. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

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.

A postconviction petition for a writ of habeas corpus “[i]s the *only* remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction, after all available administrative remedies have been exhausted.” NRS 34.724(2)(c) (emphasis added). Therefore, Coleman had a plain, speedy, and adequate remedy in the ordinary course of law. Because Coleman had an adequate remedy available, he failed to demonstrate mandamus relief was warranted. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

²In light of our disposition, we need not consider Coleman’s claims that S.B. 413 is currently in effect or that he was entitled to credit under NRS 209.4465.

cc: Hon. Erika D. Ballou, District Judge
Demarene Coleman
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk