

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BEAU E.Z. BROWN,
Appellant,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

No. 88258-COA

FILED

OCT 09 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Beau E.Z. Brown appeals from a district court order granting a motion to dismiss a petition for a writ of prohibition and/or mandamus filed on June 7, 2023. First Judicial District Court, Carson City; Kristin Luis, Judge.

Brown argues the district court erred by denying his petition without addressing it on its merits. In his petition, Brown sought an order from the district court “to remove” his consecutive deadly weapon enhancement sentence because the Nevada Department of Corrections (NDOC) had no legal authority to incarcerate him on that sentence as the sentence lacked the necessary statutory components.

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 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 prohibition may issue to arrest “the proceedings of any tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal,

corporation, board or person.” NRS 34.320. Neither writ will issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. Petitions for extraordinary writs are addressed to the sound discretion of the court, *see State ex rel. Dep’t of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983), 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).

Brown’s claim is a challenge to the validity of his sentence. He thus has a plain, speedy, adequate, and exclusive remedy at law: a postconviction petition for a writ of habeas corpus.¹ *See* NRS 34.724(2)(b). Therefore, Brown did not meet his burden of demonstrating that extraordinary relief was warranted to address his claim. Accordingly, we conclude the district court did not abuse its discretion by denying Brown’s petition without addressing its merits, albeit on other grounds.² *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (“If a judgment or order of a trial court reaches the right result, although it is based on an incorrect ground, the judgment or order will be affirmed on appeal.”).

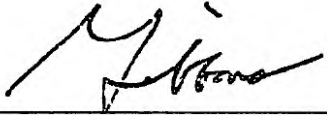
On appeal, Brown seeks an order from this court correcting “inaccurate data and procedure” in the First Judicial District Court. Brown argues the docket sheet and the record on appeal contain inaccurate dates in conflict with the file-stamped copies he was provided, the district court

¹We express no opinion as to whether Brown could meet the custody and procedural requirements of NRS Chapter 34.

²The district court determined that Brown’s claim was not ripe and the NDOC lacked the authority to remove his consecutive deadly weapon enhancement sentence.

failed to timely provide file-stamped copies of his documents, and the district court will “sit on” a document for over 90 days only to return it as “filed in error” with no further instruction. Brown’s bare claims failed to identify the documents involved or cogently argue how the alleged errors affected his substantial rights. Therefore, we do not need to consider these claims. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (providing that this court need not address issues not cogently argued); NRS 178.598 (“Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kristin Luis, District Judge
Beau E.Z. Brown
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk