


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMARLO JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88295-COA

FILED

JAN 13 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Demarlo Jackson appeals from a district court order denying a petition for a writ of mandamus filed on October 17, 2023.<sup>1</sup> Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Jackson argues the district court erred by denying his petition without first conducting an evidentiary hearing. In his petition, Jackson contended 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 those revisions should apply to him.<sup>2</sup> The district court concluded Jackson was challenging his computation for time served and denied the petition because Jackson had a plain, speedy, and adequate remedy in the ordinary course of law through a postconviction habeas petition and because

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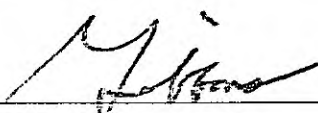
<sup>1</sup>Jackson alternatively sought a writ of prohibition but does not provide cogent argument regarding that relief. Therefore, we need not consider it. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Further, Jackson indicated in his notice of appeal that he was appealing the denial of his motion for transport. However, the record on appeal does not reflect that a motion for transport was filed in the district court nor does it show an order resolving any such motion.

<sup>2</sup>S.B. 413 was passed by the Nevada Legislature in 2023.

S.B. 413 does not become effective for calculation purposes until July 1, 2025. Consistent with our opinion in *Smith v. State*, 140 Nev., Adv. Op. 81, \_\_\_ P.3d \_\_\_ (Ct. App. 2024), we conclude the district court did not err by denying Jackson’s petition without first conducting an evidentiary hearing, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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