


IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN FRANKLIN GRAHAM,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
NADIA KRALL, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 88732

FILED

JAN 16 2025

ELIZABETH A. BROWN,  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DENYING PETITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying a pretrial petition for a writ of habeas corpus. Having considered petitioner John Franklin Graham's petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; NRS 34.320; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition).

Graham argues that either mandamus or prohibition relief is warranted because the district court lacks jurisdiction over him on the premise that he was not properly certified for prosecution as an adult. The


juvenile court, however, entered an order certifying Graham for criminal proceedings as an adult and thus transferred jurisdiction to district court. *Cf.* NRS 62B.310(1); NRS 62B.390(3). Specifically, the juvenile court certified for adult prosecution a charge of lewdness with a child under 14 years of age committed between January 1, 2017, and December 31, 2018. After a preliminary hearing, the State voluntarily dismissed the complaint and refiled the case by information. The information alleged the same offense as count one of the complaint, though committed within a narrower date range, between July 3 and 5, 2018. Graham has offered no authority supporting the proposition that the new count constitutes a different offense where the alleged date of the offense is contained within the range alleged in the original count.


Insofar as Graham alleges factual inconsistencies, the record shows that both the original and new counts arise from the same alleged sexual act committed under the same circumstances and in the same location. Because Graham was previously certified on the same count subsequently charged in the information, recertification was not statutorily required. *Cf. Robert E. v. Just. Ct.*, 99 Nev. 443, 448, 664 P.2d 957, 960 (1983) (“[A] juvenile must be recertified by the juvenile division under [the controlling statute] on each and every subsequent and independent criminal charge.”). Graham did not appeal from the certification order and cannot now challenge that decision. *See Turpin v. State*, 89 Nev. 518, 520, 515 P.2d 1271, 1273 (1973) (concluding that a challenge to adult certification is waived when it is not pursued on appeal from the certification order). Graham has not otherwise shown that the district court was divested of jurisdiction. We therefore conclude that Graham has not

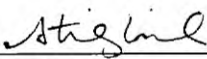
shown that the district court lacked jurisdiction or that writ relief is warranted.

Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Bell

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Nadia Krall, District Judge  
Goodwin Law Group, PLLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk