



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY POSEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91810-COA

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Anthony Posey appeals from district court orders denying a postconviction petition for a writ of habeas corpus,¹ a petition for a writ of mandamus,² and a “motion for order to return seized property.” Eighth Judicial District Court, Clark County; Hon. Joseph Hardy, Jr., Judge.

Postconviction petition for a writ of habeas corpus

Posey’s informal brief on appeal challenges the district court’s denial of his postconviction petition for a writ of habeas corpus filed on December 11, 2024. Posey argues the district court erred by denying his claim that he was entitled to 60 days of additional presentence credit for time he spent in confinement for a case that was later dismissed as part of his plea agreement in this case. The district court found that Posey’s petition was

¹Posey’s petition was titled, “petition for writ of habeas corpus (computation of time).” The district court construed Posey’s petition as a postconviction petition for a writ of habeas corpus challenging the validity of his judgment of conviction and sentence. Posey does not challenge the district court’s construal of his petition on appeal.

²Posey 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).

procedurally barred and that Posey failed to demonstrate good cause and prejudice to overcome the procedural bars. Posey does not challenge these determinations on appeal. Because “[a]pplication of the statutory procedural default rules to post-conviction habeas petitions is mandatory,” *State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005), we conclude the district court did not err by denying Posey’s petition.

Petition for a writ of mandamus

Posey’s informal brief on appeal also challenges the district court’s denial of his petition for a writ of mandamus filed on June 3, 2025. Posey argues the district court erred by denying his petition in which he alleged that the State failed to prove every element of the offense of luring children or mentally ill persons with the use of technology with the intent to engage in sexual conduct in violation of NRS 201.560. Posey contends the State failed to prove he had knowledge that the victim was less than 16 years of age because the victim used Cash App, which required the victim to verify she was 18 years old or older to have an account.

A writ of mandamus is available to compel the performance of an act which 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 mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. “Petitioners carry 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). “We generally review a district court’s grant or denial of writ relief for an abuse of discretion.” *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

Posey's claim is a challenge to the validity of his judgment of conviction. He thus has a plain, speedy, adequate, and exclusive remedy at law: a postconviction petition for a writ of habeas corpus.³ See NRS 34.724(2)(b). Therefore, Posey 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 Posey's petition.

Motion for order to return seized property

Finally, Posey's informal brief on appeal challenges the district court's denial of his "motion for order to return seized property" filed on September 23, 2025. Our review of this part of Posey's appeal reveals a jurisdictional defect. No statute or court rule permits an appeal from an order denying a "motion for order to return seized property." Therefore, we lack jurisdiction to consider this portion of Posey's appeal, and we order it dismissed. See NRAP 3(c)(1)(B); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). For these reasons, we

ORDER the judgments of the district court AFFIRMED and the appeal DISMISSED in part.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

³We express no opinion as to whether a subsequent postconviction habeas petition could meet the procedural requirements of NRS Chapter 34.

cc: Hon. Joseph Hardy Jr., District Judge
Attorney General/Carson City
Clark County District Attorney
Anthony Posey
Eighth District Court Clerk