



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRETT DAGAN JONES,
Petitioner

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent

No. 93206-COA

ORDER DENYING PETITION

This pro se original petition for a writ of mandamus seeks an order directing a jury to be impaneled to resentence petitioner. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, NRS 34.160, or to control an arbitrary or capricious exercise of discretion, *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). The decision to entertain a petition for extraordinary writ relief is within our sole discretion, and the petitioner has the burden of demonstrating that such relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having considered the petition and the supporting documents, we conclude that petitioner has not carried his burden of demonstrating that extraordinary relief is warranted. In particular, a postconviction petition for a writ of habeas corpus is the exclusive remedy for raising a postconviction challenge to the validity of a judgment of conviction and must be filed in the appropriate district court in the first

instance.¹ NRS 34.724(1), (2)(b); NRS 34.738(1); NRAP 22. Accordingly, without deciding on the merits of the claims raised, we

ORDER the petition DENIED.


Bulla, C.J.


Gibbons, J.


Westbrook, J.

cc: Clark County District Attorney
Brett Dagan Jones
The Eighth Judicial District Court of the State of Nevada, in and for the
County of Clark

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