

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MANUEL MELENDEZ,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; AND THE HONORABLE

JAMES M. BIXLER, SENIOR JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 79777-COA

FILED

NOV 19 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

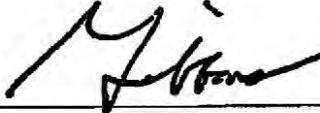
ORDER DENYING PETITION

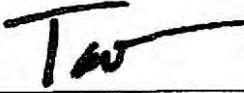
In this original “First Amendment Petition” or writ of certiorari, Manuel Melendez challenges his judgment of conviction, alleging the jury was not properly sworn in, he received ineffective assistance of sentencing and appellate counsel, and his time served has not been properly calculated in his new judgment of conviction.

We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise our original jurisdiction. See NRS 34.020(2) (writ of certiorari will not issue where the petitioner has “any plain, speedy and adequate remedy”); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”). A challenge to the validity of the judgment of conviction must be raised in a postconviction petition for a writ

of habeas corpus filed in the district court in the first instance.¹ NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Hon. James M. Bixler, Senior Judge
Manuel Melendez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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