

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS CAMPBELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83582-COA

FILED

APR 20 2022

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

ORDER OF AFFIRMANCE

Marcus Campbell appeals from an order of the district court denying a petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Campbell argues the district court erred by denying his August 13, 2021, petition. In his petition, Campbell requested modification of his sentence pursuant to NRS 213.12135 because he was a juvenile when he committed his offense and his sentence should be altered so that he will become eligible for parole after serving 20 years in prison.

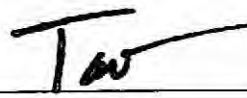
A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 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 Judicial Dist. Court*, 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 (2003).

The district court concluded that Campbell was not entitled to modification of his judgment of conviction because he is already eligible for parole after serving 20 years in prison pursuant to NRS 213.12135(1)(b). The record supports the decision of the district court. Accordingly, Campbell did not demonstrate that the State failed to perform an act which the law requires as a duty resulting from an office, trust, or station. Moreover, Campbell did not demonstrate that mandamus relief was necessary to control a manifest abuse or arbitrary or capricious exercise of discretion. Therefore, we conclude Campbell did not meet his burden of demonstrating that extraordinary relief was warranted to address his claim and the district court did not abuse its discretion by denying Campbell's petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Cristina D. Silva, District Judge
Marcus Campbell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk