

IN THE SUPREME COURT OF THE STATE OF NEVADA

OSCAR ART STANLEY,  
Petitioner,

vs.

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

Respondent,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 84380

**FILED**

APR 28 2022

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

*ORDER REGARDING MOTIONS AND DENYING PETITION FOR A  
WRIT OF MANDAMUS/PROHIBITION*

In this original pro se petition for a writ of mandamus/prohibition, petitioner seeks a writ directing the district court to resentence him under amendments to Nevada's habitual criminal statute.

Appellant has filed a motion requesting the appointment of appellate counsel. Appellant is not entitled to appointed counsel at the state's expense in postconviction proceedings. *See Brown v. McDaniel*, 130 Nev. 565, 570, 331 P.3d 867, 871 (2014); *see also Coleman v. Thompson*, 501 U.S. 722, 755 (1991). Accordingly, the motion is denied.

This court takes no action on appellant's motion to proceed in forma pauperis for this appeal. The filing fee has already been waived.

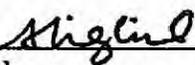
We have reviewed the documents submitted in this matter and, without deciding upon the merits of any claims raised therein, we decline to exercise our original jurisdiction in this matter. *See NRS 34.160; NRAP 21(b)(1); Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d

840, 841, 844 (2004) (providing that writ relief is proper only when there is no plain, speedy, and adequate remedy at law and the petitioner bears the burden of demonstrating that writ relief is warranted). Petitioner contends that the district court erred in applying NRS 207.010 and seeks to have his conviction reversed and remanded to remove his habitual criminal sentencing enhancements. Having considered the petition, we are not persuaded that writ relief is warranted because petitioner has a plain, speedy, and adequate remedy available to him by way of an appeal from the district court's denial of such relief in the first instance. Petitioner exercised this plain, speedy, and adequate remedy by appealing the district court's order denying his motion to modify sentence in docket no. 83420-COA. Accordingly, we,<sup>1</sup>

ORDER the Petition DENIED.

  
\_\_\_\_\_, C.J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

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

cc: Oscar Art Stanley  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<sup>1</sup>Accordingly we take no action as to petitioner's notice filed on April 18, 2022.