

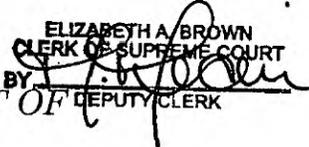
IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER DUNCAN KEFALAS, JR.,  
Petitioner,  
vs.  
CALVIN JOHNSON, WARDEN,  
Respondent.

No. 86107

**FILED**

MAR 06 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF  
MANDAMUS/PROHIBITION*

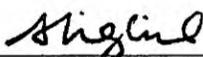
This pro se original petition for a writ of mandamus/prohibition seeks to compel the release of petitioner from incarceration.

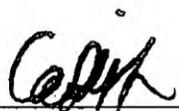
Having considered the petition, we are not persuaded that our extraordinary and discretionary intervention is warranted. See NRS 34.170; 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (explaining that writ relief is proper only when there is not a plain, speedy, and adequate remedy at law and the petitioner bears the burden to demonstrate that extraordinary relief is warranted). To begin, petitioner has not demonstrated that he requested and was denied relief in the district court in the first instance. See NRAP 21(a)(4) (providing that the petitioner shall submit an appendix containing all documents “essential to understand the matters set forth in the petition”).

Even assuming the relief sought here could be properly obtained through a petition for a writ of mandamus or prohibition, any application for such relief should be directed to and resolved by the district court in the first instance so that the factual and legal issues can be fully developed, providing an adequate appellate record to review. See *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that an appellate court is not the appropriate forum

to resolve questions of fact and noting that when there are factual issues presented, appellate courts will not exercise their discretion to entertain a petition for extraordinary relief even if “important public interests are involved”); *State v. Cty. of Douglas*, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that “this court prefers that such an application [for writ relief] be addressed to the discretion of the appropriate district court” in the first instance), *abrogated on other grounds by Att’y Gen. v. Gypsum Res.*, 129 Nev. 23, 33-34, 294 P.3d 404, 410-11 (2013); *see also Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 684, 476 P.3d 1194, 1199 (2020) (noting that this court typically will not entertain petitions for extraordinary relief that implicate factual disputes). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

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

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Herndon

cc: Peter Duncan Kefalas, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Given this order, petitioner need not file a proof of service of the petition.