

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAFAEL BERNARDO ALVAREZ,
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. 87511-COA

FILED

DEC 26 2023

ELIZABETH A. STEWART
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK


ORDER DENYING PETITION

In this original “petition for writ of certiorari and mandamus,” Rafael Bernardo Alvarez seeks an order directing the district court to “dismiss or vacate” his conviction of lewdness with a child under the age of 16. He also seeks orders directing the district court to refrain from ever re-prosecuting Alvarez on any charges for lewdness with a child under the age of 14 years and ordering the State to refrain from ever re-filing any such charges.

“Petitions for extraordinary relief are addressed to the sound discretion of this court.” *Salaiscooper v. Eighth Judicial Dist. Court*, 117 Nev. 892, 901, 34 P.3d 509, 515 (2001). “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). Petitions for extraordinary relief are generally not available when the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.020(2); NRS 34.170; NRS 34.330; *Salaiscooper*, 117 Nev. at 901, 34 P.3d at 515.

Alvarez's primary claim to dismiss or vacate his conviction is a challenge to the validity of his conviction. And he has a plain, speedy, adequate, and exclusive remedy at law: a postconviction petition for a writ of habeas corpus.¹ See NRS 34.724(2)(b). Accordingly, we decline to exercise our original jurisdiction in this matter. Thus, without considering the merits of Alvarez's claims, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Chief Judge, Eighth Judicial District Court
Rafael Bernardo Alvarez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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