

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICK SHAWN,
Petitioner,

vs.

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

No. 80482

FILED

FEB 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

This is an original pro se petition for a writ of mandamus to declare petitioner's convictions void as a matter of law.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Further, mandamus is an extraordinary remedy, and "the issuance of a writ of mandamus . . . is purely discretionary with this court." *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991).

We reiterate that "[p]etitioner[] carr[ies] 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). Having considered the documents before us, we conclude that petitioner has failed

to demonstrate that extraordinary writ relief is warranted. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cadish, J.
Cadish

cc: Rick Shawn
Attorney General/Carson City
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICK SHAWN,

Petitioner,

vs.

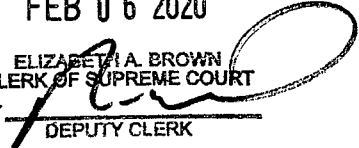
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
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FILED

FEB 06 2020

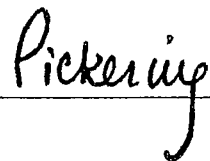
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER

This is a pro se petition seeking an order directing the district court to “propagate petitioner’s release from incarceration or remand with instructions to effectuate same.” Petitioner has filed a motion for the appointment of counsel. Appellant has not demonstrated that the appointment of counsel is warranted in this case. *See Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 102 P.3d 41 (2004). Accordingly, the motion is denied.

This court takes no action on petitioner’s motion to waive the filing fees for this petition. The filing fee has already been waived.

It is so ORDERED.

 , C.J.

cc: Rick Shawn
Attorney General/Carson City

Appendix A-1

IN THE SUPREME COURT OF THE STATE OF NEVADA

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FILED

MAR 18 2020

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

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.

[Signature] A.J.C.
Gibbons

[Signature], J.
Hardesty

[Signature], J.
Cadish

cc: Rick Shawn
Attorney General/Carson City
Eighth District Court Clerk

Appendix A-3

20-10632

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICK SHAWN,

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vs.

THE EIGHTH JUDICIAL DISTRICT
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Respondent.

No. 80482

FILED

MAY 07 2020

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

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED¹.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

¹ The Honorable Abby Silver, Justice, voluntarily recused herself from participation in the decision of this matter.