District Court
Clark County, Nevada

Demarene Coleman,
Petitioner, Case No A-23-879247-W

Vs

Dept No: XXIV

State of Nevada
Respondent

Notice of Appeal

Comes Now, Demarene Coleman, Petitioner In proper person and here by appeals to the Nevada Supreme Court from the Order/Minute Order issued on the 2nd day of January, 2024 Thus Notice of Appeal was handed to offcial for mailing on the following date

Dated Thus 16th day of January 2024

D Coleman

Demarene Coleman # 1007335
P.O. Box 208
Indian Springs, NV 89070

Demarene Coleman #1007335
P.O. Box 208
Indian Springs, NV 89070

LAS VEGAS NV 890

RECEIVED
JAN 22 2024
CLERK OF THE COURT

Steven D. Grierson
Clerk of the Court
200 Lewis Avenue 3dr Floor
Las Vegas NV 89155-1160

89101-630000

Electronically Filed
1/24/2024 10:58 AM
Steven D. Grierson
CLERK OF THE COURT

ASTA

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

DEMARENE COLEMAN,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-23-879247-W

Dept No: XXIV

CASE APPEAL STATEMENT

1. Appellant(s): Demarene Coleman

2. Judge: Erika Ballou

3. Appellant(s): Demarene Coleman

Counsel:

Demarene Coleman #107335
P.O. Box 208
Indian Springs, NV 89070

4. Respondent (s): State of Nevada

Counsel:

Aaron D. Ford, Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101-1068

Case Number: A-23-879247-W

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: October 9, 2023

10. Brief Description of the Nature of the Action: Civil Writ

Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 24 day of January 2024.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum
Cierra Borum, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Demarene Coleman

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-23-879247-W

Demarene Coleman, Plaintiff(s)	§	Location:	**Department 24**
vs.	§	Judicial Officer:	**Ballou, Erika**
Nevada State of, Defendant(s)	§	Filed on:	**10/09/2023**
	§	Cross-Reference Case Number:	**A879247**

CASE INFORMATION

Statistical Closures
01/02/2024 Motion to Dismiss by the Defendant(s)

Case Type: **Writ of Mandamus**

Case Status: **01/02/2024 Dismissed**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-23-879247-W
Court	Department 24
Date Assigned	10/09/2023
Judicial Officer	Ballou, Erika

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Coleman, Demarene**	**Pro Se**
Defendant	**Nevada State of**	**Georguson, Brooke Danielle** *Retained* 775-463-6571(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

EVENTS

10/09/2023 Petition for Writ of Mandamus
Filed by: Plaintiff Coleman, Demarene
[1] Petition for Writ of Mandamus/Prohibition (NRS 34.150 thru 34.320)

10/17/2023 Order for Petition for Writ of Habeas Corpus
[2] Order for Petition for Writ of Mandamus

12/01/2023 Response
Filed by: Defendant Nevada State of
[3] Response to Petition for Writ of Mandamus

01/02/2024 Decision and Order
[4] Decision and Order

01/04/2024 Notice of Entry of Order
[5] Notice of Entry of Order

01/22/2024 Notice of Appeal
[6] Notice of Appeal

01/24/2024 Case Appeal Statement

[7] Case Appeal Statement

HEARINGS

12/21/2023 **Minute Order** (10:11 AM) (Judicial Officer: Ballou, Erika)

Minute Order - No Hearing Held;
Journal Entry Details:
The Court having considered all papers and pleadings and having determined that no hearing is necessary, hereby VACATES the hearing scheduled for December 27, 2023. Petitioner Coleman s Petition for Writ of Mandamus is hereby DENIED. As an initial matter, a writ of mandamus may not issue where the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. NRS 34.724(2)(c) provides that a writ of habeas corpus is the exclusive remedy available to challenge the computation of time against a person s conviction. Petitioner Coleman is improperly attempting to utilize a mandamus petition to challenge his time computation. Further, during the 2023 legislative session, the Nevada Legislature passed Senate Bill (SB) 413, which will give petitioners the option to elect to a different method for credit calculation. See SB 413, 1(1). However, while this bill passed, for purposes of credit calculation, it does not become effective until July 1, 2025. In the present matter, Petitioner seeks relief that does not yet exist based upon a mistaken understanding of recently passed legislation. Petitioner Coleman s challenge to his time credit calculation based on SB 413 is therefore not a cognizable basis for writ of mandamus and must be DENIED. Due to the aforementioned reasons, Petitioner Coleman s Petition for Writ of Mandamus is hereby DENIED. The State is to prepare the order and submit it to DC24Inbox@clarkcountycourts.us promptly. CLERK'S NOTE: A copy of this Minute Order has been mailed to: Demarene Coleman #1007335 at P.O. BOX 208 Indian Springs, Nv 89070 /tm//12.21.23;

12/27/2023 *CANCELED* **Petition for Writ of Mandamus** (9:30 AM) (Judicial Officer: Ballou, Erika)
Vacated - per Order

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
DEMARENE COLMAN #1007335	STATE OF NEVADA
Attorney (name/address/phone):	Attorney (name/address/phone):

A-23-879247-W
Dept. 24

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property

Landlord/Tenant
- ☐ Unlawful Detainer
- ☐ Other Landlord/Tenant

Title to Property
- ☐ Judicial Foreclosure
- ☐ Other Title to Property

Other Real Property
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property

Torts

Negligence
- ☐ Auto
- ☐ Premises Liability
- ☐ Other Negligence

Malpractice
- ☐ Medical/Dental
- ☐ Legal
- ☐ Accounting
- ☐ Other Malpractice

Other Torts
- ☐ Product Liability
- ☐ Intentional Misconduct
- ☐ Employment Tort
- ☐ Insurance Tort
- ☐ Other Tort

Probate

Probate *(select case type and estate value)*
- ☐ Summary Administration
- ☐ General Administration
- ☐ Special Administration
- ☐ Set Aside
- ☐ Trust/Conservatorship
- ☐ Other Probate

Estate Value
- ☐ Over $200,000
- ☐ Between $100,000 and $200,000
- ☐ Under $100,000 or Unknown
- ☐ Under $2,500

Construction Defect & Contract

Construction Defect
- ☐ Chapter 40
- ☐ Other Construction Defect

Contract Case
- ☐ Uniform Commercial Code
- ☐ Building and Construction
- ☐ Insurance Carrier
- ☐ Commercial Instrument
- ☐ Collection of Accounts
- ☐ Employment Contract
- ☐ Other Contract

Judicial Review/Appeal

Judicial Review
- ☐ Foreclosure Mediation Case
- ☐ Petition to Seal Records
- ☐ Mental Competency

Nevada State Agency Appeal
- ☐ Department of Motor Vehicle
- ☐ Worker's Compensation
- ☐ Other Nevada State Agency

Appeal Other
- ☐ Appeal from Lower Court
- ☐ Other Judicial Review/Appeal

Civil Writ

Civil Writ
- ☐ Writ of Habeas Corpus
- ☐ Writ of Mandamus
- ☐ Writ of Quo Warrant
- ☐ Writ of Prohibition
- ☐ Other Civil Writ

Other Civil Filing

Other Civil Filing
- ☐ Compromise of Minor's Claim
- ☐ Foreign Judgment
- ☐ Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

OCT - 9 2023

Date

PREPARED BY CLERK

Signature of initiating party or representative

OCT - 9 2023

See other side for family-related case filings.

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

DEMARENE COLEMAN,

Petitioner,

vs.

STATE OF NEVADA, *et al.*

Respondent.

Case No. A-23-879247-W
Dept. No. XXIV

DECISION AND ORDER

This matter having come before the Court this 21st day of December, 2023; the Court having reviewed Petitioner Demarene Coleman's (Coleman) *Petition for Writ of Mandamus* ("Petition") filed on October 9, 2023, and the response thereto; neither party was present and the Court did not entertain oral argument, but makes its decision based solely upon the pleadings, without the need of an evidentiary hearing, pursuant to NRS 34.770.

THE COURT FINDS that Coleman is currently incarcerated in Southern Desert Correctional Center.

THE COURT FURTHER FINDS that Coleman is serving an active sentence for crimes he committed in 2005.

THE COURT FURTHER FINDS that the Court adjudicated Coleman guilty of Count 1 – First Degree Murder, a category A felony; and Count 2 – Battery with Use of a Deadly Weapon. On Count 1, the Court sentenced Coleman to incarceration for a maximum term of fifty years, with a minimum parole eligibility of twenty years. On Count 2, the Court sentenced Coleman to incarceration for a maximum term of 120 months, with a minimum parole eligibility of forty-eight months, running concurrent with Count 1. Coleman has discharged his sentence on Count 2.

/ / /

THE COURT FURTHER FINDS that Coleman filed a Petition for Writ of Mandamus seeking a recalculation of his time pursuant to Senate Bill (SB) 413.

WHEREFORE, THE COURT CONCLUDES that while SB 413 passed in the 2023 Nevada legislative session and, once effective, will allow petitioners the option elect to a different method of time computation, the bill is not yet effective for this purpose. SB 413 is in effect for certain administrative/regulatory tasks, but for purposes of credit calculation it does not become effective until July 1, 2025. *See* SB 413 at §11(3).

THE COURT FURTHER CONCLUDES that because SB 413 is not currently in effect for time computation purposes, no relief exists yet. Coleman therefore seeks relief that cannot be granted by this Court, rendering this claim MOOT.

THE COURT FURTHER CONCLUDES that this Court will only issue a writ of mandamus "to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust, or station," or to control a manifest abuse of or arbitrary or capricious exercise of discretion. NRS 34.160; *Rugamas v. Eighth Jud. Dist. Ct.*, 129 Nev. 424, 430 (2013) (citing *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04 (1981)). To compel the performance of an act, the act must be one that the law requires as a duty resulting from the office, and there must be an actual omission on the part of the officer to perform it. *Mineral County v. Dep't of Conserv. & Natural Res.*, 117 Nev. 235, 243 (2001); *Brewery Arts Center v. State Bd. Of Examiners*, 108 Nev. 1050, 1054 (1992); *Ex rel. Blake v. County Comm'rs*, 48 Nev. 299, 304 (1924); *State ex rel. Lawton v. Public Serv. Comm'n*, 44 Nev. 102, 108, 112 (1920). Mandamus will not issue unless the petitioner shows a clear legal right to the relief demanded. *Blake*, 48 Nev. at 304.

THE COURT FURTHER CONCLUDES that a writ of mandamus is not appropriate here since Coleman fails to show a right to relief under SB 413. Coleman also fails to show a failure of the NDOC to act in accordance with SB 413.

THE COURT FURTHER CONCLUDES that mandamus is an extraordinary remedy, and the Court will not issue a writ of mandamus where the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. *Hickey v. District Court*, 105 Nev. 729, 731 (1989); NRS 34.170. NRS 34.724 allows petitioners to challenge their time computations through a petition for writ of habeas

corpus. Coleman therefore already has a plain, speedy, and adequate remedy in the ordinary course of law through a petition for writ of habeas corpus.

THE COURT FURTHER CONCLUDES that NRS 34.724(2)(c) provides that a writ of habeas corpus is the exclusive remedy available to challenge the computation of time against a person's conviction. Coleman is improperly attempting to utilize a mandamus petition to challenge his time computation, but he is prohibited from seeking such relief through a mandamus petition. *See* NRS 34.724(2)(c).

THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Demarene Coleman's Petition for Writ of Mandamus is DENIED.

Dated this 2nd day of January, 2024

The Honorable Judge Erika Ballou
District Court Judge

6D4 133 8C21 2048
Erika Ballou
District Court Judge

Respectfully Submitted by:

/s/ Brooke D. Georguson

Brooke D. Georguson (16406)
Deputy Attorney General
Office of the Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
Telephone: (775) 684-1257
Facsimile: (775) 684-1108
bgeorguson@ag.nv.gov

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Demarene Coleman, Plaintiff(s)	CASE NO: A-23-879247-W
vs.	DEPT. NO. Department 24
Nevada State of, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Decision and Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 1/2/2024

Carrie Crago	ccrago@ag.nv.gov
AG 1	rgarate@ag.nv.gov
Karen Mishler	Karen.Mishler@clarkcountyda.com
AG 2	jstilz@ag.nv.gov
Brooke Georguson	bgeorguson@ag.nv.gov

Electronically Filed
1/4/2024 9:49 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ

DISTRICT COURT
CLARK COUNTY, NEVADA

DEMARENE COLEMAN,

Petitioner,

vs.

STATE OF NEVADA,

Respondent,

Case No: A-23-879247-W

Dept. No: XXIV

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on January 2, 2024, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on January 4, 2024.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 4 day of January 2024, I served a copy of this Notice of Entry on the following:

☑ By e-mail:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☑ The United States mail addressed as follows:
Demarene Coleman # 1007335
P.O. Box 208
Indian Springs, NV 89070

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk

DAO

DISTRICT COURT

CLARK COUNTY, NEVADA

DEMARENE COLEMAN,

Petitioner,

vs.

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Dept. No. XXIV

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THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Demarene Coleman's Petition for Writ of Mandamus is DENIED.

Dated this 2nd day of January, 2024

The Honorable Judge Erika Ballou
District Court Judge

6D4 133 8C21 2048
Erika Ballou
District Court Judge

Respectfully Submitted by:

/s/ Brooke D. Georguson

Brooke D. Georguson (16406)
Deputy Attorney General
Office of the Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
Telephone: (775) 684-1257
Facsimile: (775) 684-1108
bgeorguson@ag.nv.gov

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Demarene Coleman, Plaintiff(s)	CASE NO: A-23-879247-W
vs.	DEPT. NO. Department 24
Nevada State of, Defendant(s)	

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Service Date: 1/2/2024

Carrie Crago	ccrago@ag.nv.gov
AG 1	rgarate@ag.nv.gov
Karen Mishler	Karen.Mishler@clarkcountyda.com
AG 2	jstilz@ag.nv.gov
Brooke Georguson	bgeorguson@ag.nv.gov

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Mandamus	**COURT MINUTES**	**December 21, 2023**

A-23-879247-W Demarene Coleman, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

December 21, 2023 10:11 AM Minute Order

HEARD BY: Ballou, Erika **COURTROOM:** Chambers

COURT CLERK: Terinda Mang

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The Court having considered all papers and pleadings and having determined that no hearing is necessary, hereby VACATES the hearing scheduled for December 27, 2023. Petitioner Coleman s Petition for Writ of Mandamus is hereby DENIED.

As an initial matter, a writ of mandamus may not issue where the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. NRS 34.724(2)(c) provides that a writ of habeas corpus is the exclusive remedy available to challenge the computation of time against a person s conviction. Petitioner Coleman is improperly attempting to utilize a mandamus petition to challenge his time computation.

Further, during the 2023 legislative session, the Nevada Legislature passed Senate Bill (SB) 413, which will give petitioners the option to elect to a different method for credit calculation. See SB 413, 1(1). However, while this bill passed, for purposes of credit calculation, it does not become effective until July 1, 2025.

In the present matter, Petitioner seeks relief that does not yet exist based upon a mistaken understanding of recently passed legislation. Petitioner Coleman s challenge to his time credit calculation based on SB 413 is therefore not a cognizable basis for writ of mandamus and must be

DENIED.

Due to the aforementioned reasons, Petitioner Coleman s Petition for Writ of Mandamus is hereby DENIED. The State is to prepare the order and submit it to DC24Inbox@clarkcountycourts.us promptly.

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Demarene Coleman #1007335 at P.O. BOX 208 Indian Springs, Nv 89070 /tm//12.21.23

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

DEMARENE COLEMAN,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

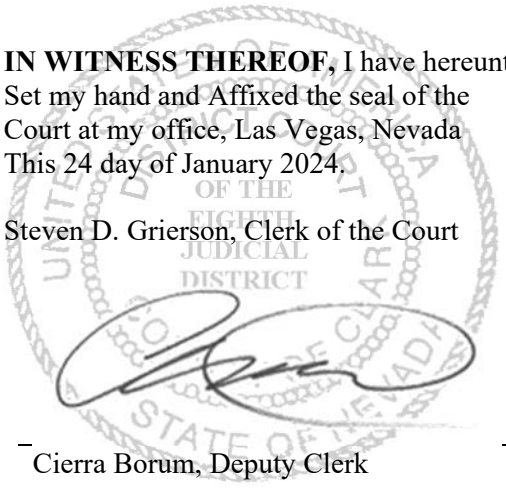
Case No: A-23-879247-W

Dept No: XXIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 24 day of January 2024.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk