

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY BAILEY,  
Petitioner,  
vs.  
WARDEN, HIGH DESERT STATE  
PRISON, J. M. SCHOMIG,  
Respondent.

No. 43729.

FILED

AUG 26 2004

ORDER DENYING PETITION

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

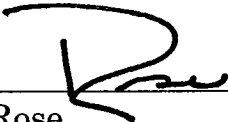
This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and sentence. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. A challenge to the validity of the judgment of conviction and sentence must be filed in a post-conviction petition for a writ of habeas corpus in the district court in the first instance.<sup>1</sup> Petitioner

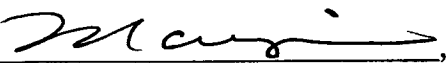
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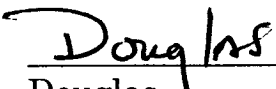
<sup>1</sup>See NRS 34.724; NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

may appeal from any final, adverse decision.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.<sup>3</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Sally L. Loehrer, District Judge  
Anthony Bailey  
Attorney General Brian Sandoval/Carson City  
Clark County Clerk

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<sup>2</sup>See NRS 34.575.

<sup>3</sup>We have received petitioner's motion for leave to proceed pursuant to NRAP 46(b). In light of our disposition we deny petitioner's motion as moot.