

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN LAMAR BROWN,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43755

FILED

AUG 26 2004

ORDER DENYING PETITION

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

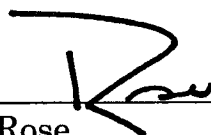
This is a proper person petition for a writ of certiorari. Petitioner argues that his sentence was improperly enhanced pursuant to NRS 193.165. "A writ of certiorari is an extraordinary remedy and the decision to entertain a petition for a writ of certiorari lies within the discretion of this court."¹ 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.² A challenge to the validity of the judgment of conviction and sentence must be raised in a post-conviction

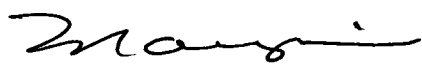
¹Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987).


²See NRS 34.020.

petition for a writ of habeas corpus filed in the district court in the first instance.³ Accordingly, we

ORDER the petition DENIED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Connie J. Steinheimer, District Judge
Brian Lamar Brown
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

³See NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS 34.724-830.