

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELBERT M. GREENE,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44019

FILED

NOV 03 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 mandamus challenging the validity of a 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.<sup>1</sup> A challenge to the validity of a judgment of conviction and sentence must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.

Rose, J.  
Rose

Maupin, J.  
Maupin

Douglas, J.  
Douglas

<sup>1</sup>See NRS 34.160; NRS 34.170.

<sup>2</sup>See NRS 34.724(2)(b); NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

cc: Hon. Valerie Adair, District Judge  
Delbert M. Greene  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk