

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDT DAVID WHETSTONE,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44403

FILED

JAN 20 2005

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 extraordinary relief. Petitioner challenges the validity of his judgment of conviction. 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 a judgment of conviction should be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.¹ Petitioner may then appeal from a final, adverse decision.² Accordingly, we

ORDER the petition DENIED.

Rose
_____, J.
Rose

Gibbons
_____, J.
Gibbons

Hardesty
_____, J.
Hardesty

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

²See NRS 34.575(1).

cc: Hon. Archie E. Blake, District Judge
Brandt David Whetstone
Attorney General Brian Sandoval/Carson City
Lyon County District Attorney
Lyon County Clerk