

IN THE SUPREME COURT OF THE STATE OF NEVADA

BYRON ELROY CRUTCHER,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE JESSIE
WALSH, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA AND
DIRECTOR, NEVADA DEPARTMENT
OF PRISONS, JACKIE CRAWFORD,
Real Parties in Interest.

No. 44569

FILED

FEB 15 2005


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


ORDER DENYING PETITION

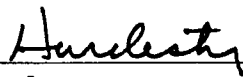
This is a proper person petition for a writ of mandamus. In his petition, Crutcher challenges the validity of his judgment of conviction. A challenge to the validity of a judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus filed in the district

court in the first instance.¹ Crutcher may then appeal from a final, adverse order.² Accordingly, we

ORDER the petition DENIED.³


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

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

²See NRS 34.575(1).

³We have reviewed all documents that Crutcher has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent Crutcher sought to appeal the denial of a petition for a writ of mandamus in the district court, he must file his notice of appeal in the district court in the first instance.

cc: Hon. Jessie Elizabeth Walsh, District Judge
Byron Elroy Crutcher
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk