

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBY DEE BOSWELL,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44654

FILED

FEB 24 2005

ORDER DENYING PETITION

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

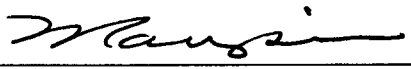
This is a proper person petition for a writ of extraordinary relief. Petitioner challenges the validity of his judgment of conviction and sentence. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this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

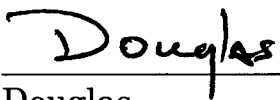
¹See NRS 34.724(2)(b); NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

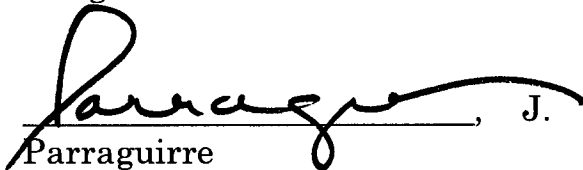
Petitioner may then appeal to this court from a final, adverse decision. ²

Accordingly, we

ORDER the petition DENIED.³


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Bobby Dee Boswell
Attorney General Brian Sandoval/Carson City
Churchill County District Attorney
Churchill County Clerk

²See NRS 34.575(1).

³We have received petitioner's motion for leave to file proper person papers and proceed in forma pauperis. We conclude no relief is warranted.