

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN JOSEPH MAGALOTTI,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44861

FILED

APR 01 2005

ORDER DENYING PETITION


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


This is a proper person petition for an extraordinary writ pursuant to Nev. Const. Art. VI, § 4. Petitioner challenges the validity of his judgment of conviction and sentence. We decline to exercise this court's original jurisdiction to conduct extraordinary review of the merits of petitioner's challenge to the validity of his judgment of conviction and sentence. 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 to this

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.

court from a final, adverse decision.² Accordingly, we

ORDER the petition DENIED.³


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Jerome Polaha, District Judge
John Joseph Magalotti
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²See NRS 34.575(1).

³We have considered petitioner's proper person documents and conclude that no relief is warranted for the reasons set forth above.