

IN THE SUPREME COURT OF THE STATE OF NEVADA

MILTON PLUMMER,  
Petitioner,  
vs.  
WARDEN, ELY STATE PRISON, E.K.  
MCDANIEL AND THE STATE OF  
NEVADA,  
Respondents.

No. 44957

FILED

APR 05 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 habeas corpus. Petitioner raises a number of claims of ineffective assistance of trial, appellate and post-conviction counsel. Petitioner asserts that he is required to raise these claims in order to exhaust for federal habeas corpus relief. 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.<sup>1</sup>

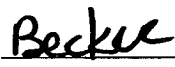
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<sup>1</sup>See NRS 34.724(2)(b); NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

Petitioner may then appeal to this court from a final, adverse decision.<sup>2</sup>

Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Becker

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Robert H. Perry, District Judge  
Milton Plummer  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>2</sup>See NRS 34.575(1).