

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILLIP LEE BROOKS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE JOSEPH T.
BONAVENTURE, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 45779

FILED

SEP 16 2005

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

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner challenges the legality of the sentence imposed by the district court. 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.¹ A challenge to the validity of the 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.²

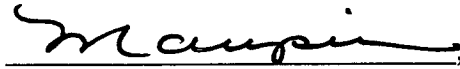
¹See NRS 34.160; NRS 34.170.

²See 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.³

Accordingly, we


ORDER the petition DENIED.⁴

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge
Phillip Lee Brooks
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See NRS 34.575(1).

⁴We have received all proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.