

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE SANTOS MIRANDA,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE LEE  
A. GATES, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 46787

**FILED**

MAR 24 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
*[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION


This is a proper person petition for a writ of prohibition. Petitioner, who was convicted of one count of sexual assault on a child and two counts of lewdness with a child in 1994, argues that his conviction violates Double Jeopardy because lewdness with a child is a lesser-included offense of sexual assault on a child. 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.<sup>1</sup> A challenge to the validity of the judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus filed in the district


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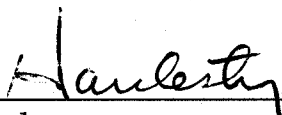
<sup>1</sup>See NRS 34.320; NRS 34.330.

court in the first instance.<sup>2</sup> Petitioner may then appeal to this court from a final, written order of the court.<sup>3</sup> Accordingly, we

ORDER the petition DENIED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Maupin

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

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Lee A. Gates, District Judge  
Jose Santos Miranda  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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

<sup>3</sup>See NRS 34.575.

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