

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN DEVON SUTTON,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47958

**FILED**

SEP 20 2006

ORDER DENYING PETITION

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

This is a proper person petition for an extraordinary writ. Citing to Article 6, Section 4 of the Nevada Constitution, petitioner challenges the validity of his judgment of conviction.

This court has held that it "will not exercise its original jurisdiction to consider a writ petition in a criminal case raising claims that could or should have been raised in an appeal or in an appropriate post-conviction proceeding in the district court."<sup>1</sup> We have reviewed the documents before this court, and we decline to exercise this court's original jurisdiction in this matter. A challenge to the validity of the judgment of

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<sup>1</sup>Hosier v. State, 121 Nev. 409, 411, 117 P.3d 212, 213 (2005).

conviction must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

cc: Hon. Michael A. Cherry, District Judge  
Kevin Devon Sutton  
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.