## IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN DEVON SUTTON, Petitioner,

vs.

THE STATE OF NEVADA,

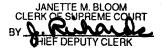
Respondent.

No. 47958

FILED

SEP 20 2006

## ORDER DENYING PETITION



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." 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

<sup>&</sup>lt;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.

Hardesty,

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

<sup>&</sup>lt;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.