

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL THOMAS DAVITT,
Petitioner,
vs.
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, DON
HELLING,
Respondent.

No. 48366

FILED

DEC 04 2006

ORDER DENYING PETITION

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

This is a proper person petition for a writ of certiorari. Petitioner claims that his Fifth Amendment rights were violated when a preliminary hearing was not conducted within the statutory time period. Petitioner seeks to overturn his judgment of conviction.

"A writ of certiorari is an extraordinary remedy and the decision to entertain a petition for a writ of certiorari lies within the discretion of this court."¹ 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. A challenge to the judgment of

¹Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987).

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

ORDER the petition DENIED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Michael Thomas Davitt
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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.