

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL THOMAS DAVITT,  
Petitioner,  
vs.  
SHERIFF, CLARK COUNTY, BILL  
YOUNG,  
Respondent.

No. 48466

**FILED**

**JAN 08 2007**

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 rights were violated when a preliminary hearing was not conducted within the statutory time period. Petitioner further claims that his guilty plea was not entered voluntarily and his trial counsel was ineffective. Petitioner seeks to overturn his judgment of conviction.

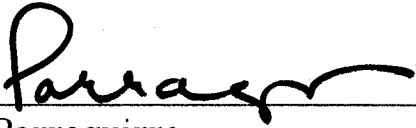
"A writ of certiorari is an extraordinary remedy and the decision to entertain a petition for a writ of certiorari lies within the discretion of this court."<sup>1</sup> We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. A challenge to the judgment of

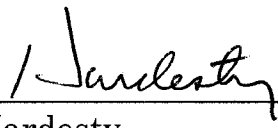
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<sup>1</sup>Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987).

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

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Parraguirre

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

  
\_\_\_\_\_, J.  
Saitta

cc: Michael Thomas Davitt  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger

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<sup>2</sup>See 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.