

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARELL WAYNE KIRKWOOD, SR.,  
Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF ELKO;  
THE HONORABLE ANDREW J.  
PUCCINELLI, DISTRICT JUDGE,  
Respondents,

and

THE STATE OF NEVADA AND GARY  
D. WOODBURY, ELKO COUNTY  
DISTRICT ATTORNEY,  
Real Parties in Interest.

No. 49271

**FILED**

APR 27 2007

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

ORDER DENYING PETITION

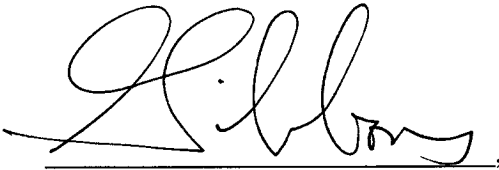
This is a proper person petition for a writ of prohibition. Petitioner challenges the validity of his judgment of conviction. We have reviewed the documents before this court, and we conclude that this court's intervention in this matter is not warranted.<sup>1</sup> A challenge to the validity of the judgment of conviction must be raised in a post-conviction

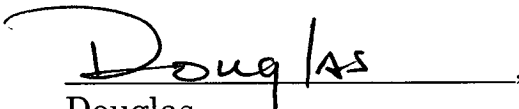
---

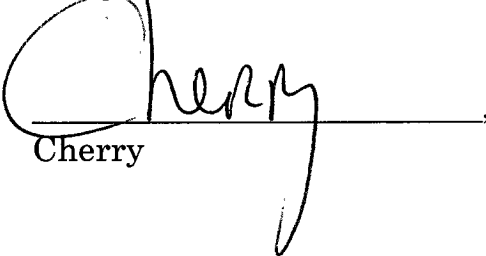
<sup>1</sup>See NRS 34.320; NRS 34.330.

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.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Andrew J. Puccinelli, District Judge  
Darell Wayne Kirkwood Sr.  
Attorney General Catherine Cortez Masto/Carson City  
Elko County District Attorney  
Elko County Clerk

---

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