

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID RODRIGUES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49981

**FILED**

SEP 05 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and argues that it is necessary to file the petition in this court in order to exhaust state remedies. We have considered the documents submitted before this court, and we decline to consider the merits of the claims raised in this original petition. A challenge to the validity of the judgment of conviction and sentence must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>1</sup> Accordingly, we

ORDER the petition DENIED.

[Signature] J.  
Gibbons

[Signature] J.  
Douglas

[Signature] J.  
Cherry

<sup>1</sup>See NRS 34.724; NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

cc: Hon. Steven P. Elliott, District Judge  
David Rodrigues  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk