

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT A. SMITH,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Real Party in Interest.

No. 51078

FILED

MAR 10 2008


TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY:  DEPUTY CLERK

ORDER DENYING PETITION

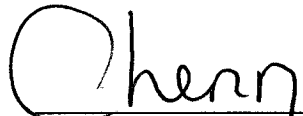
This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and sentence. We have considered the documents submitted in this matter, and we conclude that extraordinary relief is not warranted at this time. A challenge to the validity of the judgment of conviction and sentence should be raised in a post-conviction petition for a writ of habeas corpus filed in

the district court in the first instance.¹ Accordingly, we

ORDER the petition DENIED.


_____ J.

Maupin


_____ J.

Cherry


_____ J.

Saitta

cc: Hon. Michelle Leavitt, District Judge
Robert A. Smith
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹See NRS 34.724; NRS 34.738. We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.