

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL THOMAS DAVITT,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51804

FILED

JUL 14 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of habeas corpus. Petitioner argues that the preliminary hearing was improperly continued. We have considered the documents submitted in this matter, and we conclude that extraordinary relief is not warranted. A challenge to the validity of the judgment of conviction 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.

Maupin, J.

Maupin

Cherry, J.

Cherry

Saitta, J.

Saitta

¹See 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. Donald M. Mosley, District Judge
Michael Thomas Davitt
Attorney General Catherine Cortez Masto/Carson City
Eighth District Court Clerk