

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESLIE MELSON,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
JANET J. BERRY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 52342

FILED

SEP 16 2008

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


ORDER DENYING PETITION

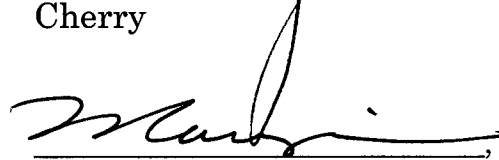
This is a proper person petition for extraordinary relief. Petitioner challenges the validity of his judgment of conviction and argues that he received ineffective assistance of counsel. We have considered the documents submitted in this matter, and we conclude that no relief is warranted. A challenge to the validity of the judgment of conviction and sentence, including a challenge to effective assistance of counsel, should be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.¹ A claim that the sentence was based upon a material mistake of fact that worked to the defendant's extreme


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.

detriment may be raised in a motion to modify sentence filed in the district court in the first instance.² Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Janet J. Berry, District Judge
Leslie Melson
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²See Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996).