

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE ALLEN ZARITSKY,
Petitioner,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 52621

FILED

NOV 19 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Anderson
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his 1993 judgment of conviction and sentence. We have considered the documents submitted in this matter, and we conclude that this court's intervention in this matter 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.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

¹NRS 34.724(2)(b); NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

cc: Hon. Richard Wagner, District Judge
Gene Allen Zaritsky
Attorney General Catherine Cortez Masto/Carson City
Humboldt County District Attorney
Humboldt County Clerk