

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANKLIN DALE HEATH,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52897

**FILED**

JAN 08 2009

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

ORDER DENYING PETITION

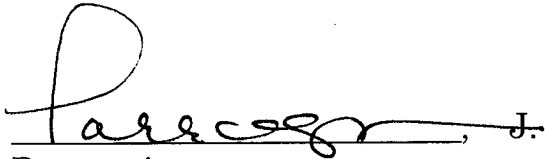
This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and sentence, and petitioner appears to argue that Judge Stewart Bell should be disqualified in hearing any further matters regarding petitioner. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise our original jurisdiction in this matter. 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. NRS 34.724(2)(b); NRS 34.738(1).<sup>1</sup> Any motion for disqualification should be

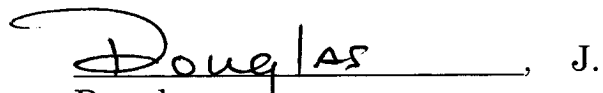
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<sup>1</sup>We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

filed in the district court pursuant to the procedures set forth in NRS  
1.235. Accordingly, we

ORDER the petition DENIED.

  
Parraguirre

  
Douglas

  
Pickering

cc: Hon. Stewart L. Bell, District Judge  
Franklin Dale Heath  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk