

IN THE SUPREME COURT OF THE STATE OF NEVADA

WALTER D. MITCHELL,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52969

FILED

JAN 15 2009

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


ORDER DENYING PETITION

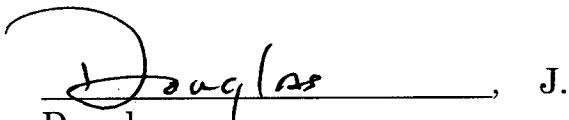
This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and sentence. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise our original jurisdiction in this matter.¹ 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

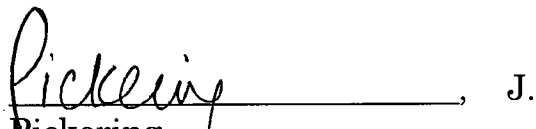
¹We deny the motion to proceed in forma pauperis as moot.

instance. NRS 34.724(2)(b); NRS 34.738(1).² Accordingly, we

ORDER the petition DENIED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Walter D. Mitchell
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.