

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR D. HOLMES,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JAMES M. BIXLER, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 53688

FILED

MAY 20 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

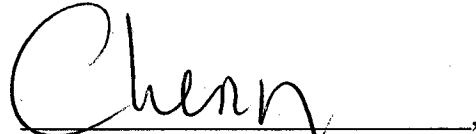
ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus, or alternatively, a writ of prohibition. Petitioner challenges the validity of the judgment of conviction and sentence and challenges decisions made by this court. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise original jurisdiction in this matter. NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330. A challenge to the validity of the judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus in

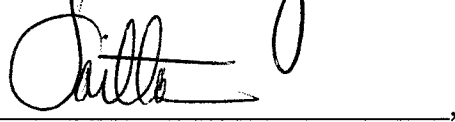
the district court in the first instance.¹ NRS 34.724(2)(b); NRS 34.738(1).

Accordingly, we

ORDER the petition DENIED.

 _____ J.

Cherry

 _____ J.

Saitta

 _____ J.

Gibbons

cc: Hon. James M. Bixler, District Judge
Victor D. Holmes
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.