

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN JOE PICOTTE,  
Petitioner,

vs.

E.K. MCDANIEL, WARDEN, ELY  
STATE PRISON,  
Respondent.

No. 53964

**FILED**

**JUL 07 2009**

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. 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. 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.<sup>1</sup> NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

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

cc: Kevin Joe Picotte  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk