

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK L. SUMUEL,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
MICHAEL VILLANI, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 54034

**FILED**

OCT 21 2009


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


ORDER DENYING PETITION

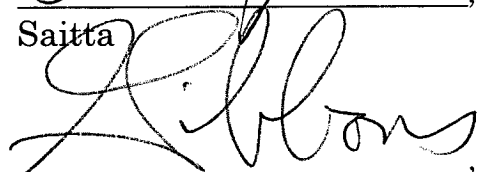
This is a proper person "First Amendment Petition" for a writ of mandamus, or a writ of prohibition, or alternatively, a writ of certiorari. Petitioner challenges the validity of the judgment of conviction and sentence. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise original jurisdiction in this matter. NRS 34.020; NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330. In addition, we note that petitioner does not allege any unconstitutional prior restraint of his First Amendment rights, indicating that the provisions of NRS 34.185 are not applicable. 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.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Michael Villani, District Judge  
Derrick Sumuel  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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