

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. 54214

FILED

SEP 03 2009

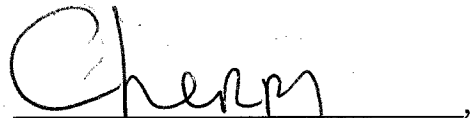
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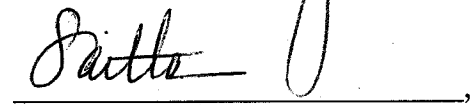
ORDER DENYING PETITION

This is a proper person for extraordinary relief labeled "First Amendment Petition Writ of Certiorari NRS Chap 34 et seq. 28 U.S.C. 2254 (And) Judicial Notice of Court of Constitutional [E]rror Fed R evid 201 NRS 47.130-47.120." 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. 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.