

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOUSTON POWELL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent.

No. 54486

FILED

OCT 21 2009

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

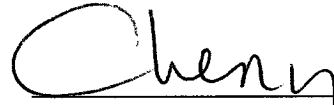
ORDER DENYING PETITION


This is a proper person petition for a writ of certiorari. 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 original jurisdiction in this matter. NRS 34.020; Zamarripa v. District Court, 103 Nev. 638, 747 P.2d 1386 (1988) (noting that “the decision to entertain a petition for a writ of certiorari lies within the discretion of this court”). A challenge to the validity of the judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus filed in the

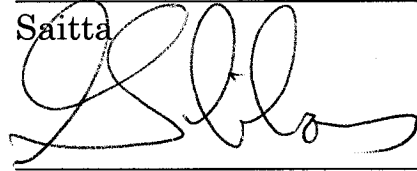
district court in the first instance.¹ NRS 34.738(1); NRS 34.724(2)(b).

Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Eighth Judicial District Court Dept. 7, District Judge
Houston Powell
Attorney General Catherine Cortez Masto/Carson City
Eighth District Court Clerk

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