

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD S. HADDAD,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55302

FILED

FEB 03 2010

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

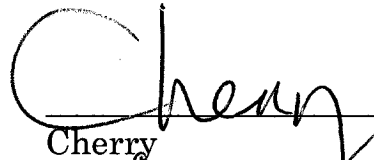
ORDER DENYING PETITION

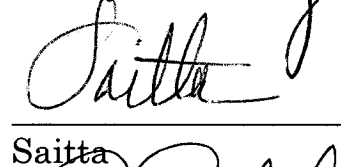
This is a proper person for a writ of mandamus, or in the alternative, a writ of prohibition. Petitioner challenges the validity of his judgment of conviction and sentence. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise original jurisdiction in this matter. NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330. Petitioner's challenge to the validity of his sentencing hearing may be raised in his direct appeal from his judgment of conviction and sentence. See Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998) (noting that an appeal is generally an adequate and speedy remedy precluding writ relief). Otherwise, a challenge to the validity of the judgment of conviction and sentence must be raised in a post-conviction petition for a writ of habeas corpus in the

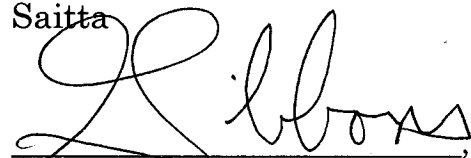
district court in the first instance.¹ NRS 34.724(2)(b); NRS 34.738(1).

Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Doug Smith, District Judge
Richard S. Haddad
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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