

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CARL MISIEWICZ,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUG SMITH, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 62362

**FILED**

FEB 13 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

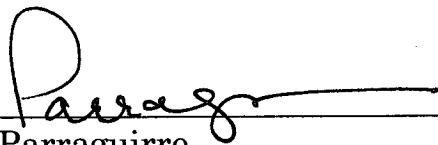
ORDER DENYING PETITION

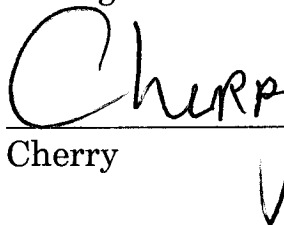
This is a proper person petition for a writ of mandamus. Petitioner claims that he was denied the right to a direct appeal and is therefore entitled to be released from custody. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. NRS 34.160; NRS 34.170. 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. NRS 34.724(2)(b); NRS 34.738(1).<sup>1</sup> Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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

cc: William Carl Misiewicz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

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