

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE ORLANDO CRUZ-ALAYA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KENNETH C. CORY, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 64565

FILED

JAN 16 2014

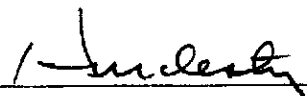
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

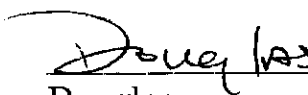
ORDER DENYING PETITION

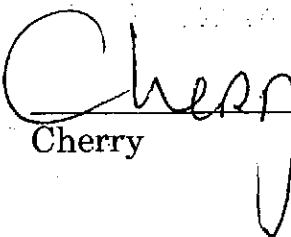
This is a proper person petition for a writ of mandamus. Petitioner argues that his trial counsel provided ineffective assistance during plea negotiations and at sentencing. Without deciding upon the merits of any claims raised in the documents submitted in this matter, we decline to exercise our original jurisdiction. See 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.¹ NRS 34.724(2)(b); NRS 34.738(1).
Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Jose Orlando Cruz-Alaya
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.