

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEPHEN CHOATE,
Petitioner,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 76554

FILED

OCT 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DENYING PETITION


This is an original petition for a writ of habeas corpus. Stephen Choate raises several claims challenging the validity of his judgment of conviction, including claims he received ineffective assistance of counsel. We have reviewed the documents filed in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise our original jurisdiction. *See* NRAP 22 (“An application for an original writ of habeas corpus should be made to the appropriate district court.”); *see also Zobrist v. Sheriff, Carson City*, 96 Nev. 625, 626, 614 P.2d 538, 539 (1980) (indicating this court has discretion to decide whether to entertain an original petition for a writ of habeas corpus and that such petitions raising questions of fact should be considered “by a tribunal equipped to handle that task”). We note, a challenge to the validity of the judgment of conviction must be raised in a postconviction 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.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Stephen Choate
Attorney General/Carson City

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

²We have considered all documents Choate has filed in this matter and conclude no relief based on those documents is warranted. See NRAP 17(d) (a party may not seek reassignment of a case the Nevada Supreme Court has transferred to the Court of Appeals).