

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVEON KYREE HAYES,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,  
Respondent,  
and  
WILLIAM A. GITTERE, WARDEN,  
Real Party in Interest.

No. 83185

**FILED**

**AUG 05 2021**

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

*ORDER DENYING PETITION FOR A WRIT OF HABEAS CORPUS*

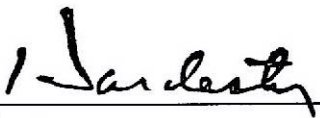
This original pro se petition for a writ of habeas corpus challenges petitioner's conviction on the grounds of ineffective assistance of counsel.

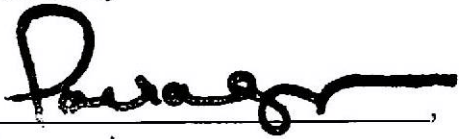
Problematically, petitioner has not provided this court with exhibits or other documentation that would support his claims for relief. See NRAP 21(a)(4) (providing the petitioner shall submit an appendix containing all documents "essential to understand the matters set forth in the petition"). Therefore, without deciding the merits of the claims raised, we decline to exercise our original jurisdiction in this matter, see NRAP 21(b); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.").

Moreover, we note that a challenge to a 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. NRS 34.724; NRS 34.738; NRAP 22.<sup>1</sup> It appears that petitioner may have filed a postconviction petition for a writ of habeas corpus in the district court. If an application is made to the district court and denied, the proper remedy is by appeal from the district court's order denying the writ. NRAP 22. Accordingly, we deny the petition.

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Cadish

cc: Daveon Kyree Hayes  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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