

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC A. BURKHART,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44573

**FILED**

FEB 15 2005

ORDER DENYING PETITION

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK


This is a proper person petition for extraordinary relief. Petitioner challenges the validity of the judgment of conviction. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. A challenge to the validity of a judgment of conviction should be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>1</sup> Petitioner may then appeal to this

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<sup>1</sup>See NRS 34.724(2)(b); NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

court from a final, adverse decision.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

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

cc: Eric A. Burkhart  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>2</sup>See NRS 34.575(1).