

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES EDWARD PROCTOR,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52463

FILED

OCT 13 2008

THOMAS A. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for extraordinary relief from a judgment of conviction. Petitioner claims that his 1977 judgment of conviction was predicated upon a defective indictment. We have considered the documents submitted in this court, and we conclude that extraordinary relief is not warranted. 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 Accordingly, we

ORDER the petition DENIED.

[Signature] J.
Hardesty

[Signature] J.
Parraguirre

[Signature] J.
Douglas

¹NRS 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.

cc: James Edward Proctor
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk