

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR D. HOLMES,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52589

**FILED**

NOV 07 2008

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, or alternatively, a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and sentence, the amount of presentence credits, and petitioner seeks an order directing a hearing be conducted on the issue of habitual criminality. We have considered the documents submitted in this matter, and we conclude that this court's intervention is not warranted at this time.<sup>1</sup> A challenge to the validity of the judgment of conviction and sentence should be raised in a post-conviction petition for a

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<sup>1</sup>See NRS 34.160; NRS 34.170.

writ of habeas corpus filed in the district court in the first instance.<sup>2</sup>

Accordingly, we

ORDER the petition DENIED.

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

cc: Victor D. Holmes  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>2</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.