

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD WARREN FIMBY,  
Petitioner,

vs.

THE STATE OF NEVADA AND  
WARDEN, WARM SPRINGS  
CORRECTIONAL CENTER,  
STEPHANIE HUMPHREY,  
Respondents.

No. 52898

**FILED**

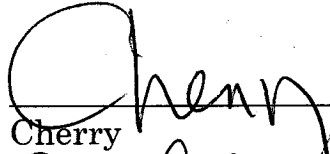
JAN 08 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

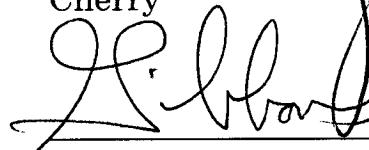
ORDER DENYING PETITION

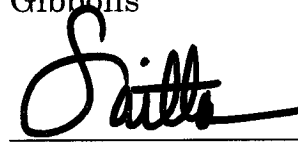
This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction and sentence. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise our original jurisdiction in this matter. A challenge to the validity of the judgment of conviction and sentence should be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first

instance. NRS 34.724(2)(b); NRS 34.738(1).<sup>1</sup> Accordingly, we

ORDER the petition DENIED.

\_\_\_\_\_, J.  
Cherry

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

\_\_\_\_\_, J.  
Saitta

cc: Richard Warren Fimby  
Attorney General Catherine Cortez Masto/Carson City  
Churchill County District Attorney  
Churchill County Clerk

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