

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY DUNCAN,
Petitioner,

vs.

WARDEN, NEVADA DEPARTMENT OF
CORRECTIONS, DON HELLING AND
THE STATE OF NEVADA,
Respondents.

No. 53073

FILED

JAN 23 2009

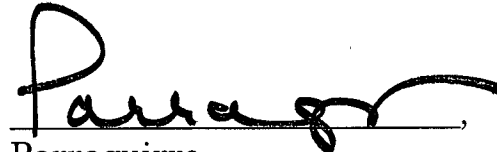
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

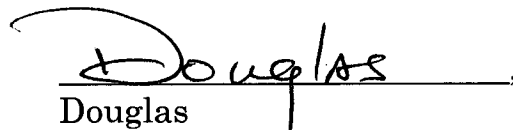
ORDER DENYING PETITION

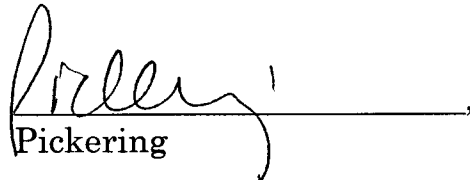
This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of his judgment of conviction. Specifically, petitioner claims that a number of constitutional rights were violated when his trial counsel and the district court failed to investigate petitioner's competency. Petitioner notes that the federal district court determined that this claim had not been exhausted. 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.¹ See NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

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

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