

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER WILFRED HUDON,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53124

**FILED**

JAN 30 2009

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

ORDER DENYING PETITION

This is a proper person document labeled, "motion to dismiss and vacate." We elect to treat this document as a petition for extraordinary relief. In his petition, appellant challenged the validity of his judgment of conviction. 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.<sup>1</sup> See NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

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

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

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

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

cc: Roger Wilfred Hudon  
Attorney General Catherine Cortez Masto/Carson City  
Lyon County District Attorney  
Lyon County Clerk