

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL THOMAS DAVITT,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55648

FILED

APR 07 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingersoll*  
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person original 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 original jurisdiction in this matter. 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.<sup>1</sup> NRS 34.738(1); NRS 34.724(2)(b). 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 meet the procedural requirements of NRS chapter 34.

cc: Michael Thomas Davitt  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk