

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJARDI BATUCAN VIRAY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA; AND
DWIGHT NEVEN, WARDEN,
Real Parties in Interest.

No. 62604

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK


ORDER DENYING PETITION

This is a proper person petition for an extraordinary writ. Petitioner seeks an order stating whether appellate counsel's errors provide good cause to excuse the procedural bars pursuant to Martinez v. Ryan, 566 U.S. ___, 132 S. Ct. 1309 (2012). We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, 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.¹ NRS 34.724(2)(b); NRS 34.738(1).

Accordingly, we

ORDER the petition DENIED.


Gibbons, J.


Douglas, J.


Saitta, J.

cc: Benjardi Batucan Viray
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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