

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CARL MISIEWICZ,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUG SMITH, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 63979

**FILED**

OCT 16 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER DENYING PETITION*

This is a proper person petition for a writ of mandamus. Appellant seeks an order from this court directing the district court to issue an order regarding a post-conviction petition for a writ of habeas corpus that petitioner filed in the district court. Petitioner also appears to seek this court's independent review of the claims challenging the judgment of conviction he raised in his post-conviction petition. 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. *See* NRS 34.160; NRS 34.170. Challenges to the judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus and filed in the district

court in the first instance. *See* NRS 34.724(2)(b); NRS 34.738(1).<sup>1</sup>  
Accordingly, we

ORDER the petition DENIED.

/ *Hardesty*, J.  
Hardesty

*Parraguirre*, J.  
Parraguirre

*Cherry*, J.  
Cherry

cc: Hon. Doug Smith, District Judge  
William Carl Misiewicz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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