

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSIE MATTHEW DIAZ,  
Petitioner,  
vs.  
KATHERINE BERNING,  
Respondent.

No. 66990

**FILED**

DEC 12 2014

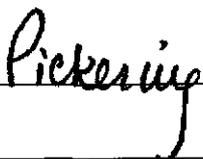
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION*

This is a proper person petition for a writ of mandamus. Petitioner challenges his judgment of conviction based on ineffective assistance of counsel. Without deciding upon the merits of any claims raised in the documents submitted in this matter, we decline to exercise original jurisdiction. See NRS 34.160; NRS 34.170. 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 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.

 C.J.  
Gibbons

 J.  
Pickering

 J.  
Saitta

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

cc: Jessie Matthew Diaz  
Fry & Berning, LLC  
Washoe District Court Clerk