

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES DEAN VIOX,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71400

FILED

DEC 15 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

This is a pro se petition for a writ of prohibition.¹ Petitioner appears to challenge postconviction proceedings and seeks an order removing the jurisdiction of the Fourth Judicial District Court to consider further matters. Petitioner further appears to challenge the jurisdiction of this court. We note that petitioner has an appeal pending in this court from the denial of his postconviction petition for a writ of habeas corpus. *See Viox v. State*, Docket No. 71116. Petitioner is represented by counsel in Docket No. 71116 and must proceed by and through his counsel. We decline to consider any issues relating to the postconviction proceedings as they must be raised in that appeal. *See* NRS 34.170. Finally, petitioner's

¹The motion for leave to proceed in forma pauperis is denied as moot.

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challenge to this court's jurisdiction is without merit as this court's original and appellate jurisdiction arise from the Nevada Constitution. See Nev. Const. art. 6, § 4. Accordingly, we

ORDER the petition DENIED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Fourth Judicial District Court, Dept. 1
Hon. Charles McGee, Sr. District Judge
Charles Dean Viox
Karla Butko, Esq.
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk