

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT JAMES WALSH,
Petitioner,
vs.
THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,
Respondent.

No. 73545

FILED

OCT 12 2017

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


ORDER DENYING PETITION

This original petition seeks a writ of mandamus directing the Fifth Judicial District Court to vacate petitioner's judgment of conviction for the offense of trafficking in a schedule I controlled substance-methamphetamine. Petitioner asserts methamphetamine is a schedule II controlled substance, not a schedule I controlled substance. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise our original jurisdiction. See NRS 34.160; NRS 34.170; NRAP 21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). A challenge to the validity of the judgment of conviction must be raised on direct appeal or in a postconviction 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.

, C.J.
Silver

, J.
Tao

, J.
Gibbons

cc: Robert James Walsh
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk

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