

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45863

FILED

SEP 23 2005

ORDER DENYING PETITION

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

This is a proper person petition for a writ of habeas corpus. Petitioner argues that his trial counsel was ineffective for failing to file a direct appeal and that the remedy set forth in Lozada v. State¹ is not a sufficient remedy. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Petitioner has already pursued the remedy set forth in Lozada v. State,² and petitioner may not now complain that the remedy was inadequate. Accordingly, we

ORDER the petition DENIED.

Maupin J.

Maupin

Gibbons J.

Gibbons

Hardesty J.

Hardesty

¹Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

²Braunstein v. State, Docket No. 43404 (Order Affirming in part, Reversing in part and Remanding, July 1, 2005).

cc: Hon. Sally L. Loehrer, District Judge
Steven Samuel Braunstein
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk