

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIMMIE DAVIS,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46340

**FILED**

DEC 23 2005

ORDER DENYING PETITION

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

This is a proper person petition for a writ of certiorari. Petitioner challenges the deadly weapon enhancement. "A writ of certiorari is an extraordinary remedy and the decision to entertain a petition for a writ of certiorari lies within the discretion of this court."<sup>1</sup> The writ of certiorari will not be granted where there is an appeal or another plain, speedy and adequate remedy.<sup>2</sup> 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. We note that

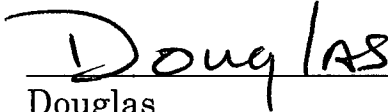
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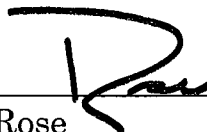
<sup>1</sup>Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987).

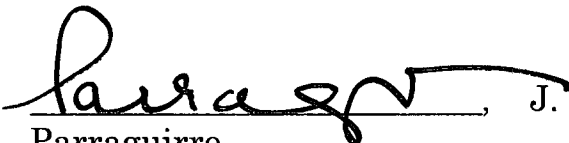
<sup>2</sup>See NRS 34.020(2).

petitioner has pending in this court an appeal from the denial of a motion to vacate enhancement.<sup>3</sup> Accordingly, we

ORDER the petition DENIED.

 \_\_\_\_\_, J.  
Douglas

 \_\_\_\_\_, J.  
Rose

 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Donald M. Mosley, District Judge  
Jimmie Davis  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>3</sup>Davis v. State, Docket No. 46333.