

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY HOOKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46419

FILED

MAR 24 2006

JANET L. McCLUNG
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

On August 25, 2005, the district court convicted appellant, pursuant to a jury verdict, of two counts of sale of a controlled substance and one count of giving away a controlled substance. The district court adjudicated appellant a habitual criminal and sentenced him to serve three concurrent terms of life in the Nevada State Prison with the possibility of parole after ten years had been served. A direct appeal is pending in this court in Docket No. 45297.¹

On October 18, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to


¹This court recently reinstated the direct appeal pursuant to George v. State, 122 Nev. ___, ___, 127 P.3d 1055, 1056 (2006). See Hooks v. State, Docket No. 45297 (Order Recalling Remittitur Reinstating Appeal and Remanding for the Appointment of Counsel, March ___, 2006).

conduct an evidentiary hearing. On January 6, 2006, the district court denied appellant's petition because it was not verified. This appeal followed.

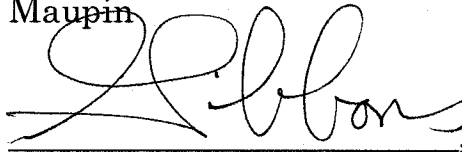
Our review of the record reveals that appellant's petition was not verified.² We therefore conclude the district court did not err in dismissing the petition. Petitioner may file a properly verified petition for a writ of habeas corpus in the district court until one year from the final resolution of the direct appeal of his conviction in Docket No. 45297.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

²We also note that appellant's claims were barred by appellant's failure to raise them in a direct appeal. See NRS 34.810(1)(b). Appellant should include cognizable and non-barred claims in any petition he may choose to file pursuant to this order.

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Stewart L. Bell, District Judge
Jerry Hooks
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk