

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL P. ANSELMO,
Appellant,
vs.
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, DON
HELLING,
Respondent.

No. 47232

FILED

OCT 19 2006

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's "First Amendment Writ Actual Innocence." Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

On June 6, 1972, the district court convicted appellant, pursuant to a jury verdict, of first-degree murder. The district court sentenced appellant to serve a term of life in the Nevada State Prison without the possibility of parole. This court dismissed appellant's direct appeal for appellant's failure to prosecute the appeal.¹

On February 28, 2006, appellant filed a proper person "First Amendment Writ Actual Innocence" in the district court. On April 24, 2006, the district court denied appellant's petition. This appeal followed.

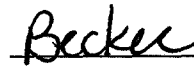
A First Amendment petition must allege an unconstitutional prior restraint of the petitioner's rights pursuant to the First Amendment of the Constitution of the United States or Section 9 of Article 1 of the

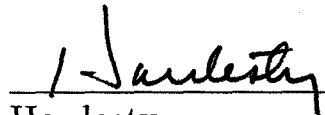
¹Anselmo v. State, Docket No. 7008 (Order, March 4, 1974).

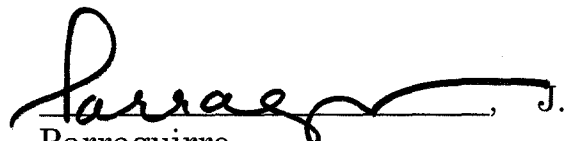
Constitution of the State of Nevada.² In his petition, appellant contended (1) the grand jury indictment was illegally obtained because the State failed to provide exculpatory evidence; (2) his confession was improperly obtained because he was suffering from a medical condition when he made the confession; (3) he is actually innocent; and (4) the prosecution lied at trial. Because appellant did not allege that the government placed a prior restraint on his speech, we conclude that the district court did not err in denying appellant's petition.

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.
Becker


_____, J.
Hardesty


_____, J.
Parraguirre

²See NRS 34.185(1).

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

cc: Hon. Brent T. Adams, District Judge
Michael P. Anselmo
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk