IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY H. PHILSON, Petitioner,

vs.

THE STATE OF NEVADA,

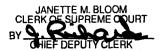
Respondent.

No. 47984

FILED

SEP 26 2006

ORDER DENYING PETITION



This is a proper person petition for a writ of habeas corpus in which petitioner challenges the validity of his judgment of conviction and sentence. Specifically, petitioner claims that the deadly weapon enhancement should not have been applied as it was not lawfully enacted. We have reviewed the documents before this court, and we conclude that extraordinary relief is not warranted. A challenge to the validity of the judgment of conviction and sentence must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance. Petitioner may then appeal to this court from a final, written

¹See NRS 34.724(1); NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

order denying the petition.² Accordingly, we ORDER the petition DENIED.

Becker J.

Hardesty

Lauazy, J Parraguirre

cc: Eighth Judicial District Court Dept. 16, District Judge Roy H. Philson Attorney General George Chanos/Carson City Clark County District Attorney David J. Roger Clark County Clerk

²See NRS 34.575(1).