

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

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

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.¹ 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.
Becker

Hardesty, J.
Hardesty

Parraguirre, 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).