

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD GALLO,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48224

FILED

NOV 15 2006

ORDER DENYING PETITION

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

This is a proper person petition for a writ of habeas corpus. Petitioner claims that NRS 193.165, the deadly weapon enhancement statute, was not validly enacted, and thus, he claimed that his sentences were improperly enhanced. We have reviewed the documents before this court, and we conclude that this court's intervention is not warranted. A challenge to the validity of the judgment of conviction and sentence may 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 decision denying the petition.² Accordingly, we
ORDER the petition DENIED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

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

²See NRS 34.575.

cc: Richard Gallo
Attorney General George Chanos/Carson City
Clark County District Attorney
Clark County Clerk