

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWN RAYNARD WOODS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48586

FILED

APR 24 2007

ORDER OF AFFIRMANCE

JENNIFER M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus and a motion to appoint counsel. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On May 22, 2002, the district court convicted appellant, pursuant to a guilty plea, of one count of grand larceny in district court case number C170765. The district court sentenced appellant to serve a term of twelve to thirty-six months in the Nevada State Prison. The district court further ordered that this sentence be served consecutively to the sentence imposed in district court case number C174254. No direct appeal was taken.

On August 25, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court in district court case number C170765. Appellant also filed a motion to appoint counsel. The State opposed the petition and motion. Appellant filed a response. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an

evidentiary hearing. On December 7, 2006, the district court denied appellant's petition. This appeal followed.<sup>1</sup>

In the petition filed in district court case number C170765, appellant contended that his conviction in district court case number C174254 was invalid. Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. Appellant's claims challenging district court case number C174254 were improperly raised in a petition designating district court case number C170765. Any petition challenging the judgment of conviction arising from district court case number C174254 should be filed in that case and should comply with all procedural requirements set forth in NRS chapter 34.<sup>2</sup> Therefore, we affirm the order of the district court denying the petition as it was filed in the wrong case.

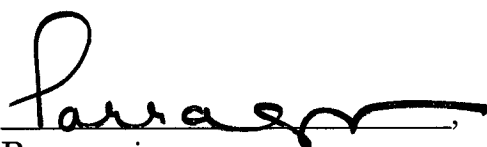
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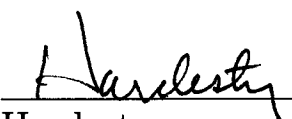
<sup>1</sup>To the extent that appellant appealed the denial of his motion for the appointment of counsel, we conclude that the district court did not abuse its discretion in denying his motion. See NRS 34.750(1).


<sup>2</sup>For example, the petition must be in substantial compliance with the form set forth in NRS 34.735, and the petition must be verified by petitioner as required by NRS 34.730(1). We express no opinion as to whether appellant may satisfy the procedural requirements of NRS 34.726 (establishing the time period for filing a post-conviction habeas corpus petition), NRS 34.810 (setting forth rules on successive petitions), NRS 34.800 (setting forth laches).

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.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Donald M. Mosley, District Judge  
Shawn Raynard Woods  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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

<sup>4</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.