


IN THE SUPREME COURT OF THE STATE OF NEVADA

DONTE JOHNSON,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51306

FILED

MAY 06 2008

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for an extraordinary writ in a death penalty case. Petitioner seeks an order vacating this court's decision in his direct appeal after a second penalty hearing¹ or, in the alternative, an order granting him a new trial. It appears that petitioner's claims of error raised in his writ petition are grounded in allegations of ineffective assistance of trial and appellate counsel. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.²

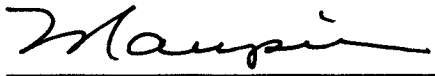
¹Johnson v. State, 122 Nev. ___, 148 P.3d 767 (2006).


²See NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330.


08-11256

Petitioner has an adequate remedy to challenge the effective assistance of counsel through post-conviction habeas proceedings.³ Accordingly, we

ORDER the petition DENIED.⁴


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Jackie Glass, District Judge
Donte Johnson
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

³See NRS 34.720 - .830.

⁴We express no opinion concerning whether petitioner has satisfied the procedural requirements detailed in NRS chapter 34 for filing a petition for a writ of habeas corpus or the merits of any claim of ineffective assistance of counsel.