

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL THOMAS DAVITT,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52339

FILED

SEP 19 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of habeas corpus. Petitioner challenges the validity of a judgment of conviction, and petitioner asserts that he has discharged the sentence imposed. We have considered the proper person documents submitted in this matter, and we conclude that no relief is warranted. A petition for a writ of habeas corpus is not available to a petitioner who has discharged the sentence imposed.¹ Accordingly, we

ORDER the petition DENIED.

J. Hardesty, J.
Hardesty

J. Parraguirre, J.
Parraguirre

J. Douglas, J.
Douglas

¹See Nev. Const. art. 6, § 4 (providing that the justices of the Nevada Supreme Court have the “power to issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody”); Jackson v. State, 115 Nev. 21, 973 P.2d 241 (1999).

cc: Hon. Michelle Leavitt, District Judge
Michael Thomas Davitt
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk