

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD LEE BEETS,
Petitioner,

vs.

WARDEN, ELY STATE PRISON, E.K.
MCDANIEL, AND THE STATE OF
NEVADA,
Respondents.

No. 52498

FILED

DEC 23 2008

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

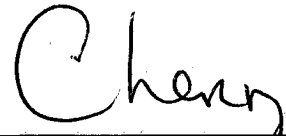
ORDER DENYING PETITION AND MOTIONS

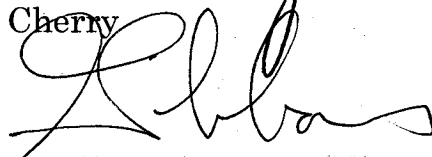
This is an original petition for a writ of habeas corpus in a death penalty case. Petitioner Edward Lee Beets argues that his confinement is illegal under the United States Constitution and requests this court to vacate his judgment of conviction and death sentence. In Hosier v. State, we declined to exercise our original jurisdiction to consider the merits of a defendant's claims in a petition for extraordinary relief challenging the validity of his conviction because they could have been raised on direct appeal or in a timely post-conviction petition for a writ of habeas corpus.¹ Beets acknowledges our decision in Hosier but contends that extraordinary relief is appropriate in this case due to extraordinary circumstances that have prevented him from seeking post-conviction relief in the district court. We have considered the petition, and we are not inclined to exercise our original habeas jurisdiction because Beets could have raised his claims in a timely post-conviction petition for a writ of


¹121 Nev. 409, 117 P.3d 212 (2005).

habeas corpus. Extraordinary relief is not appropriate to circumvent other appropriate avenues of review or avoid procedural bars.² Because extraordinary relief is not the appropriate avenue in which to challenge the validity of a conviction or sentence, we have not considered the merits of the claims Beets raises in the instant writ petition. Accordingly, we

ORDER the petition DENIED.³


_____ J.

Cherry

_____ J.
Gibbons


_____ J.
Saitta

cc: Hon. Donald M. Mosley, District Judge
Federal Public Defender/Las Vegas
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²Id.

³We grant Beets' motion to waive the filing fee for the instant petition. See NRAP 21(e). We deny Beets' motions for this court to conduct a hearing regarding his alleged forced medication, to bar the State from re-litigating mental health matters, to stay the habeas proceedings, and to disqualify District Court Judge Donald Mosley in the event of a remand.