

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN W. ARMSTRONG,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53224

FILED

FEB 26 2009

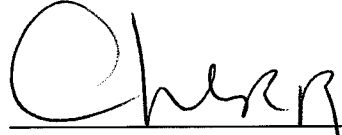
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DENYING PETITION

This is a proper person petition for extraordinary relief. Petitioner complains that his appellate counsel, Mr. Paul E. Quade, has failed to adequately represent him in his pending direct appeal, Armstrong v. State, Docket No. 51917. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise our original jurisdiction in this matter. Petitioner should proceed by and through his appellate counsel in Docket No. 51917. Any claims of ineffective assistance of appellate counsel may be raised in a post-conviction petition for a writ of habeas corpus filed in

the district court after his direct appeal is resolved.¹ Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Sixth Judicial District Court Dept. 2, District Judge
Sean W. Armstrong
Attorney General Catherine Cortez Masto/Carson City
Humboldt County District Attorney
Paul E. Quade
Humboldt County Clerk

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