

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES SANFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 34847

**FILED**

DEC 07 1999

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

ORDER DISMISSING APPEAL

On September 16, 1999, appellant filed a document entitled "Notice of Appeal: For Post Conviction Petition for Habeas Corpus: Challenge Jail Credit Granted." On September 30, 1999, the district court sentenced appellant, pursuant to a guilty plea to one count of theft, to twelve (12) to forty-eight (48) months in prison.

Generally, a petition for a writ of habeas corpus, whether it is the first or a successive petition, must be filed in the first instance in the district court. NRAP 22; NRS 34.738. An appeal will lie from the district court's order granting or denying the petition. NRS 34.575. Because it appeared that appellant had not filed a petition in the district court this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

On October 22, 1999, counsel for appellant filed a response to this court's order. In the response, counsel

concedes that appellant's petition should first be filed in the district court, and that this appeal should be dismissed. Accordingly, we direct the clerk of this court to transfer appellant's petition to the Eighth Judicial District Court, and we

ORDER this appeal dismissed.

Maupin, J.  
Maupin

Shearing, J.  
Shearing

Becker, J.  
Becker

cc: Hon. Lee A. Gates, District Judge  
Attorney General  
Clark County District Attorney  
Althea Gilkey  
Clark County Clerk