

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID DEPIANO,
Appellant,
vs.
JACK PALMER, WARDEN,
Respondent.

No. 61562

FILED

MAY 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Janet J. Berry, Judge.


In his January 10, 2012, petition appellant claimed that the district court was without jurisdiction to convict him because the laws reproduced in the Nevada Revised Statutes did not contain enacting clauses as required by the Nevada Constitution. Nev. Const. art. 4, § 23. This claim was not based on an allegation that appellant's guilty plea was involuntarily or unknowingly entered or that his plea was entered without effective assistance of counsel, and therefore, was not permissible in a post-conviction petition for a writ of habeas corpus stemming from a guilty plea. See NRS 34.810(1)(a).


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

As a separate and independent ground for affirming the district court's order, appellant's claim was without merit as the Statutes of Nevada contain the laws with the enacting clauses required by the Nevada Constitution. The Nevada Revised Statutes reproduce those laws as classified, codified, and annotated by the Legislative Counsel. NRS 220.120. Therefore, the district court did not err in dismissing the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Janet J. Berry, District Judge
David Depiano
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.