


IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER HULL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63362

FILED

SEP 19 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

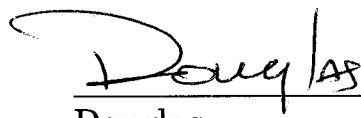
In his amended petition, filed on March 29, 2013, appellant attempted to supplement claims he raised in a petition he had filed on November 16, 2012. Having reviewed the record on appeal, we conclude that substantial evidence supports the decision of the district court to deny relief and that the district court did not err as a matter of law. *Riley v. State*, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). We therefore affirm


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).

the denial of the petition for the reasons stated in the attached district court order. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Janet J. Berry, District Judge
Roger Hull
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.

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8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE
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12 ROGER HULL,

Petitioner,

13 vs.

Case No. CR00P0081

14
15 THE STATE OF NEVADA,

Dept. No. 1

16 Respondent.
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18 ORDER DENYING AMENDED PETITION FOR HABEAS CORPUS (POST-CONVICTION)

19 On March 29, 2013, Petitioner Roger Hull ("Hull"), in proper person, filed an *Amended*
20 *Petition for Writ of Habeas Corpus (Post-Conviction)* ("*Amended Petition*"). The matter has been
21 submitted for decision.

22 Hull filed a *Petition for Writ of Habeas Corpus (Post-Conviction)* ("*original Petition*") on
23 November 16, 2012. This Court issued an order denying Hull's original *Petition* on March 27, 2013.
24 On April 5, 2013, Hull filed a *Notice of Appeal* concerning the denial of his original *Petition*.

25 "[A] timely notice of appeal divests the district court of jurisdiction to act and vests
26 jurisdiction in [the Supreme Court of Nevada]." *Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 688,
27 747 P.2d 1380, 1382 (1987) (citation omitted). The Court has reviewed the record in its entirety.
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The Court finds it lacks jurisdiction over Hull's *Amended Petition*, because this case is on appeal at the Supreme Court of Nevada.

Accordingly, and good cause appearing, Hull's *Amended Petition* is DENIED.

DATED: This 22nd day of May, 2013.


Janet F. Berry
DISTRICT JUDGE