

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL KAPETAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66768

FILED

MAY 19 2015

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

ORDER OF AFFIRMANCE

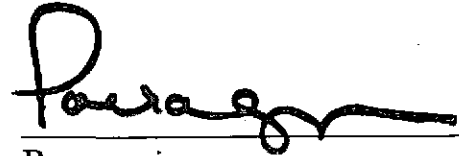
This is a pro se appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.


Appellant Daniel Kapetan filed a post-conviction petition on March 17, 2014, challenging the validity of his misdemeanor convictions and sentences in justice court case no. RCR 2013-07-4600. We conclude that the district court did not err in dismissing the petition because Kapetan is not eligible for post-conviction relief under NRS 34.724(1). We agree with the district court's interpretation of the post-conviction statutes as limiting post-conviction relief to persons who were convicted and sentenced in the district court. This interpretation is necessary to avoid rendering provisions of NRS 34.730(3) and NRS 34.726(1), which contemplate a conviction in the district court, from being rendered meaningless. *See Pellegrini v. State*, 117 Nev. 860, 874, 34 P.3d 519, 528-

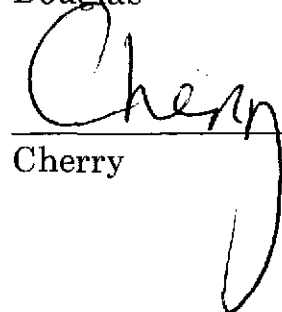
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

29 (2001). Because Kapetan was convicted and sentenced in the justice court, he could not challenge his convictions or sentences by filing a post-conviction petition. Accordingly, we conclude that the district court did not err in dismissing the petition, and we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Connie J. Steinheimer, District Judge
Daniel Kapetan
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have reviewed all documents that appellant has submitted 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.