

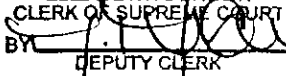
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89308-COA

FILED

MAR 24 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

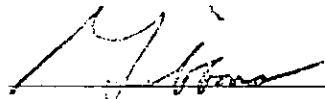
Ferrill Joseph Volpicelli appeals from a district court order denying a “petition for writ pursuant to NRS 34.360” filed on June 25, 2024. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.


Volpicelli argues the district court erred by denying his claim that the sentencing court was without judicial authority to adjudicate him a habitual criminal because his prior convictions were non-qualifying under the habitual criminal statute. Under NRS 34.360, a person “may prosecute a writ of habeas corpus to inquire into the cause of [his] imprisonment or restraint.” Here, the cause of Volpicelli’s imprisonment, as reflected in the record before this court, is a June 18, 2013, amended judgment of conviction. Thus, Volpicelli’s claim was not within the scope of a petition for a writ of habeas corpus filed pursuant to NRS 34.360. Further, Volpicelli’s claim challenged the validity of his judgment of conviction and sentence, and a postconviction petition for a writ of habeas corpus is the exclusive remedy

with which to challenge the validity of a judgment of conviction or sentence.¹
NRS 34.724(2)(b). Therefore, we conclude the district court did not err by
denying Volpicelli's petition, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kathleen A. Sigurdson, District Judge
Ferrill Joseph Volpicelli
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹We express no opinion as to whether Volpicelli could meet the procedural requirements of NRS Chapter 34.

²As part of its denial of Volpicelli's petition, the district court entered a restrictive order limiting the claims that Volpicelli may file in the future. Volpicelli does not challenge this portion of the district court's order; thus, we do not consider it on appeal.