

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY L. GREEN A/K/A TONY
LAVELLE GREEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38669

FILED

MAY 23 2002

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On December 1, 2000, the district court convicted appellant, pursuant to a guilty plea, of one count of burglary while in possession of a firearm and one count of robbery. The district court sentenced appellant to serve for each count a term of twenty-four to sixty months. The terms for each count were imposed to run concurrently. No direct appeal was taken.

On July 30, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. On October 11, 2001, the district court denied appellant's petition. This appeal followed.

Appellant failed to file a verified petition as required by NRS 34.730(1).¹ An unverified habeas corpus petition is not cognizable in the

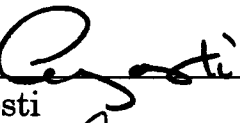
¹NRS 34. 730(1) provides that "[a] petition must be verified by the petitioner or his counsel. If the petition is verified by counsel, he shall also verify that the petitioner personally authorized him to commence the action."

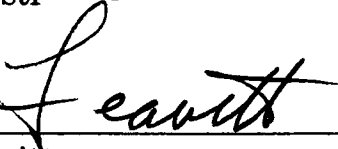
district court.² Because appellant failed to verify his petition, we conclude that the district court reached the correct result in denying appellant's petition.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Michael L. Douglas, District Judge
Attorney General/Carson City
Clark County District Attorney
Tony L. Green
Clark County Clerk

²Sheriff v. Scilio, 96 Nev. 776, 616 P.2d 402 (1980); Sheriff v. Chumphol, 95 Nev. 818, 603 P.2d 690 (1979).

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).