

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRED HUSTON,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39453

FILED

APR 25 2002

ORDER DENYING PETITION

JANE I E M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This proper person petition for a writ of habeas corpus challenges the jury's verdict finding petitioner guilty of first degree murder with the use of a deadly weapon of a victim over the age of 65 years. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. A petition for a writ of habeas corpus should be filed in the district court in the first instance.¹ After petitioner has been sentenced and a judgment of conviction has been entered, petitioner may elect to pursue a direct appeal from the judgment of conviction.² Moreover, because petitioner is represented by counsel in the proceedings


¹NRS 34.738(1) ("A petition that challenges the validity of a conviction or sentence must be filed with the clerk of the district court for the county in which the conviction occurred."); NRAP 22 ("An application for a writ of habeas corpus should be made to the appropriate district court.").

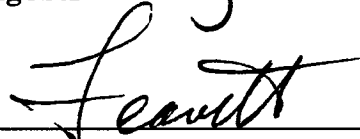
²NRS 177.015(3) ("The defendant only may appeal from a final judgment or verdict in a criminal case."); NRAP 4(b)(1) ("In a criminal case, the notice of appeal by a defendant shall be filed in the district court within thirty (30) days after the entry of the judgment or order appealed from.").

in the district court, petitioner should act by and through his counsel.
Accordingly, we

ORDER the petition DENIED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Michael L. Douglas, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Fred Huston
Clark County Clerk