

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRANCE K. SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41554

FILED

AUG 18 2003

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

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 30, 2002, the district court convicted appellant, pursuant to a jury verdict, of two counts of sexual assault, three counts of sexual assault with the use of a deadly weapon, one count of attempted sexual assault, one count of battery with a deadly weapon, one count of battery with the intent to commit a crime, and one count of robbery. The district court sentenced appellant to serve three consecutive terms of life in the Nevada State Prison with the possibility of parole. The district court imposed the remainder of the terms to run concurrently. Appellant's direct appeal remains pending in this court in Docket No. 40780.

On March 7, 2003, appellant filed a proper person document labeled "Writ of Habeas Corpus." The State filed an opposition. On May 12, 2003, the district court denied the petition. This appeal followed.

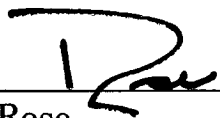
The district court determined that the petition was not in the proper form.¹ Based upon our review of the record on appeal, we conclude that the district court did not err. Appellant's document was not in

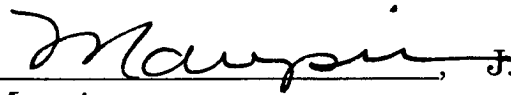
¹See NRS 34.735.


substantial compliance with NRS 34.735. Specifically, we note that appellant's petition was not verified.² An unverified petition is not cognizable in the district court.³ 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.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. John S. McGroarty, District Judge
Terrance K. Smith
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See NRS 34.730.

³Sheriff v. Scalo, 96 Nev. 776, 616 P.2d 402 (1980); Sheriff v. Arvey, 93 Nev. 72, 560 P.2d 153 (1977).

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).