

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER RAMIREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41744

FILED

SEP 22 2003

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court dismissing a petition for a writ of habeas corpus.

On April 24, 2003, the district court convicted appellant, pursuant to a jury verdict, of one count of first degree arson. The district court sentenced appellant to serve a term of 48 to 120 months in the Nevada State Prison. A direct appeal is pending in this court in Docket No. 41403.

On April 15, 2003, prior to entry of the judgment of conviction, appellant filed a proper person petition for a writ of habeas corpus in the district court.¹ The State opposed the petition. On August 8, 2003, the district court dismissed appellant's petition without prejudice. This appeal followed.

We conclude that the district court did not err in dismissing appellant's petition without prejudice. Appellant's petition was not in substantial compliance with NRS 34.735. Specifically, we note that

¹In his petition, appellant challenged the sufficiency of the evidence supporting the jury's verdict.

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 dismissing appellant's petition without prejudice. Therefore, we affirm the order of the district court.

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.

Becker J.
Becker

Shearing J.
Shearing

Gibbons J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Christopher Ramirez
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See NRS 34.730(1).

³See Sheriff 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).