

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 61142

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a petition for a writ of prohibition.¹ Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

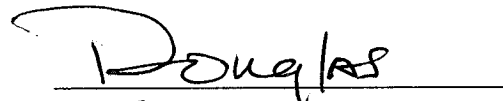
In his petition filed on December 6, 2011, appellant claimed that the district court lacked jurisdiction to adjudicate him as a habitual criminal because he did not have the requisite prior felony convictions. Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. A petition for a writ of prohibition is the improper vehicle to challenge the validity of the

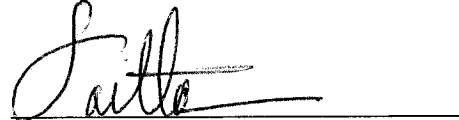
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

judgment of conviction or sentence. NRS 34.320; NRS 34.330; NRS 34.724(2)(b). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


Gibbons, J.


Douglas, J.


Saitta, J.

cc: Hon. Steven P. Elliott, District Judge
Ferrill Joseph Volpicelli
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.