

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
ROBERT H. PERRY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 52600

FILED

NOV 06 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

BY S. Young
DEPUTY CLERK

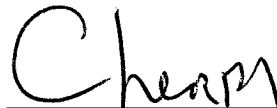
ORDER DENYING PETITION

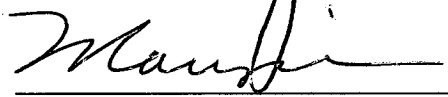
This is a proper person petition for a writ of mandamus. Petitioner seeks an order compelling the district court to reissue an amended judgment of conviction, provide appellant with credit for time served, and transmit the amended judgment of conviction to the Nevada Department of Corrections. We have considered the documents submitted to this court, and we conclude that this court's intervention in this matter is not warranted.¹ We are confident that the district court will comply with this court's prior directive to transmit the amended judgment of conviction to the Nevada Department of Corrections in an expeditious manner. To the extent that petitioner seeks presentence credits in district


¹See NRS 34.160; NRS 34.170.

court case number CR03-1263, a claim for additional presentence credits must be raised in a timely post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.² Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Robert H. Perry, District Judge
Ferrill Joseph Volpicelli
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²See NRS 34.724(2)(c); NRS 34.738(1); Griffin v. State, 122 Nev. 737, 137 P.3d 1165 (2006).