

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. MILLER A/K/A GLENN  
LEROY CASS,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
JACKIE GLASS, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 43263

FILED

JUN 03 2004

*[Signature]*  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner seeks an order compelling his former trial counsel to deliver transcripts purportedly in former trial counsel's possession.

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.<sup>1</sup> The documents submitted before this court indicate that petitioner's former trial counsel has previously informed petitioner that he does not have any transcripts. Petitioner's former trial counsel does not have a duty to deliver documents that he does not possess.<sup>2</sup> There is no indication in the documents before this court that


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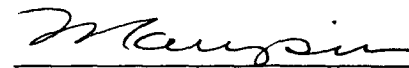
<sup>1</sup>See NRS 34.160.

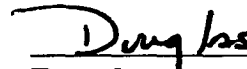
<sup>2</sup>See NRS 7.055(1).

petitioner has demonstrated to the district court's satisfaction that he is entitled to the preparation and copies of transcripts at the State's expense.<sup>3</sup> Accordingly, we

ORDER the petition DENIED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Jackie Glass, District Judge  
Michael A. Miller  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>3</sup>See Peterson v. Warden, 87 Nev. 134, 483 P.2d 204 (1971) (discussing an indigent defendant's right of access to trial transcripts where the defendant made a threshold showing of a need for a state-supplied transcript).

<sup>4</sup>We have received petitioner's motion for leave to proceed in forma pauperis, and we deny the motion as moot.