

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMARR ROWELL,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43373

FILED

JUL 22 2004

ORDER GRANTING PETITION

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

This is a proper person petition for a writ of mandamus. Petitioner seeks an order directing the clerk of the district court to transmit his notice of appeal filed in district court case number C149775 to the clerk of this court.

Petitioner claims that the clerk of the district court has failed to transmit a notice of appeal to this court. Petitioner asserts that a notice of appeal was filed on March 25, 2004, in district court case number C149775. In support of his assertion, petitioner attached a file-stamped copy of the notice of appeal.


Upon the filing of a notice of appeal in the district court, the clerk of the district court is required to immediately transmit to the clerk of this court two notice of appeal packets containing, among other things, the notice of appeal.¹ The clerk of the district court is required to transmit the notice of appeal packets despite any deficiencies in the notice of appeal.²

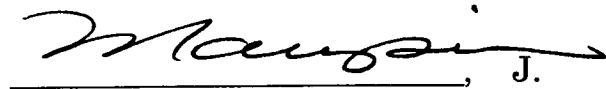
¹See NRAP 3(e).

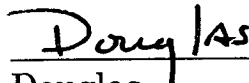
²See NRAP (3)(a)(2).

This petition presented an issue of arguable merit for which there appeared to be no adequate legal remedy.³ Thus, this court directed the State to show cause why a writ should not issue. The State filed a timely response and informed this court that it did not oppose the granting of the writ in the instant matter. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the clerk of the district court to immediately transmit the March 25, 2004 notice of appeal packets to the clerk of this court.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

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

³See NRS 34.160; NRS 34.170.