

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
RAYSHAWN CAGER,
Respondent.

No. 46301

FILED

MAY 19 2006

ORDER OF REVERSAL AND REMAND

BY *[Signature]*
DEPUTY CLERK
DEPUTY CLERK

This is an appeal from an order of the district court granting respondent's motion to dismiss criminal charges. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

On December 3, 2004, the State filed a notice of detainer while Cager was serving a prison sentence in California. Cager responded and requested a speedy trial. This request was mailed on December 13, 2004. The State did not respond to Cager's request. Cager was released by the California Department of Corrections in July 2005, and was immediately transported and booked into the Clark County Detention Center. Cager's counsel filed a motion to dismiss, which was granted by the district court.

The State asserts that because Cager did not substantially comply with Article III(a) of the Interstate Agreement on Detainers (IAD),¹ dismissal was not warranted. We agree.

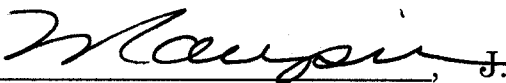
Cager failed to comply with many requirements of the IAD. Specifically, Cager did not state the time he had already served, the time remaining, good time credit earned, parole eligibility or whether any

¹NRS 178.620.


decisions of the state parole board had been made relating to him. Additionally, Cager did not include a certificate of the appropriate official having custody of Cager. We therefore conclude that Cager's submission was insufficient to trigger the IAD protections.²

We therefore conclude the district court's dismissal of Cager's case was error. Therefore we,

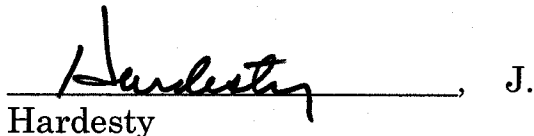
ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Michael A. Cherry, District Judge
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Public Defender Philip J. Kohn
Clark County Clerk

²Windham v. State, 118 Nev. 226, 232, 43 P. 3d 993, 997 (2002).