

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH JOHN CRISCI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46384

FILED

FEB 24 2006

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

ORDER VACATING JUDGMENT AND REMANDING

This is an appeal from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant was originally convicted, pursuant to a guilty plea, of eight counts of armed robbery. Appellant did not file a direct appeal, but filed a timely proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel, who filed a supplement to the petition. The district court did not order a responsive pleading from the State, declined to hold an evidentiary hearing, and dismissed the petition. Appellant filed a timely appeal.


Appellant contends that the district court erred by dismissing the petition without conducting an evidentiary hearing. The State has filed a confession of error, stating that the petition complied with the pleading requirements stated in Hargrove v. State,¹ and that the order entered by the district court does not resolve every claim raised in the petition. Under the circumstances, we agree with the parties. Accordingly, we order the judgment of the district court vacated and

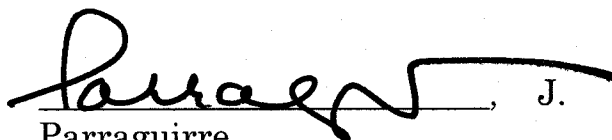
¹100 Nev. 498, 686 P.2d 222 (1984).

remand this case for an evidentiary hearing on the claims raised in appellant's petition.²

It is so ORDERED.³


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Mary Lou Wilson
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²We express no opinion as to the substantive merits of appellant's claims. See Drake v. State, 108 Nev. 523, 525, 836 P.2d 52, 53 (1992).

³This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.