

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND GENE PHENIX,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50410

**FILED**

NOV 13 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION

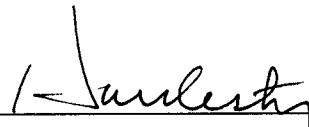
This is a proper person petition for a writ of habeas corpus, or alternatively, a writ of mandamus. Petitioner complains that he did not have access to full transcripts when this court allowed him to file a supplemental proper person brief in his direct appeal.<sup>1</sup> Petitioner seeks an order recalling the remittitur from his direct appeal, allowing him to raise issues on direct appeal not previously raised, and appointing counsel to assist him. We have considered the documents submitted in this matter, and we conclude that no relief is warranted at this time. A post-conviction petition for a writ of habeas corpus should be filed in the

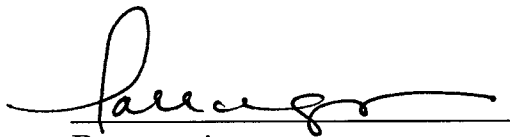
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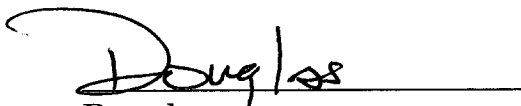
<sup>1</sup>Phenix v. State, 114 Nev. 116, 954 P.2d 739 (1998).

district court in the first instance.<sup>2</sup> Petitioner has not demonstrated that he is entitled to mandamus relief.<sup>3</sup> Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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

cc: Hon. Sally L. Loehrer, District Judge  
Raymond Gene Phenix  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>2</sup>See NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

<sup>3</sup>See NRS 34.160.