

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; THE HONORABLE BRENT
T. ADAMS, DISTRICT JUDGE; AND
THE HONORABLE DAVID A. HARDY,
DISTRICT JUDGE,
Respondents,
and
UBALDO URBINA-MALDONADO,
Real Party in Interest.

No. 60833

FILED

OCT 05 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Arquival*
DEPUTY CLERK

ORDER DISMISSING PETITION

This is an original petition for a writ of mandamus or prohibition, filed by the Washoe County District Attorney. Petitioner seeks a halt to what it views as a pattern in the Second Judicial District Court of appointing post-conviction counsel to represent indigent prisoners prior to the actual filing of a post-conviction petition for a writ of habeas corpus. We have reviewed the documents submitted in this matter and conclude that the Washoe County District Attorney is not a “beneficially interested” party in this litigation and thus lacks standing to seek writ relief.¹ NRS 34.170; NRS 34.320; Secretary of State v. Nevada State

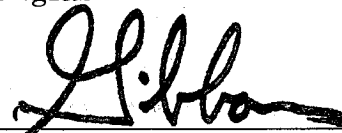
¹We would note, however, that the plain language of NRS 34.750(1) authorizes the district court to provide for the appointment of post-conviction counsel only after a post-conviction petition for a writ of habeas corpus has been filed.

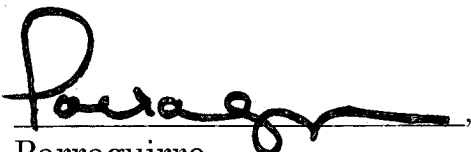


Legislature, 120 Nev. 456, 460-61, 93 P.3d 746, 749 (2004). We also dismiss this petition as moot because the district court has withdrawn its order appointing counsel in this case, and the Washoe County District Attorney has not demonstrated that this petition falls under an exception to the mootness doctrine. See Personhood Nevada v. Bristol, 126 Nev. ___, ___, 245 P.3d 572, 574 (2010). Accordingly, we

ORDER the petition DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Hon. David A. Hardy, District Judge
Washoe County District Attorney
Mary Lou Wilson
Washoe District Court Clerk
Office of the State Public Defender