

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK SAWYER,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63854

FILED

DEC 18 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER GRANTING PETITION*

This is a proper person petition for a writ of mandamus or prohibition. Petitioner seeks an order from this court compelling the district court to appoint new counsel and to resolve his post-conviction petition for a writ of habeas corpus. Petitioner presented documentation supporting his claim that he filed a post-conviction petition on April 16, 2010, that counsel was appointed to represent him in post-conviction proceedings, and that no action has been taken on his petition since the cancellation of a March 24, 2011, status hearing. It would thus appear that the post-conviction petition has not been examined expeditiously. See NRS 34.740. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to set a status hearing on the delays within 30 days from the

13-38400

date of this order.<sup>1</sup>

Pickering, C.J.  
Pickering

Hardesty, J.  
Hardesty

Cherry, J.  
Cherry

cc: Hon. Jerome T. Tao, District Judge  
Ciciliano & Associates, LLC  
Roderick Sawyer  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We note that appointed counsel, Gerald Ciciliano, has been suspended from the practice of law in the State of Nevada for failing to pay bar dues and comply with continuing legal education and reporting requirements. He also faces disciplinary action. *See In re Discipline of Gerald Ciciliano*, Docket No. 63152. Because the district court apparently found that petitioner met the requirements of NRS 34.750 and, accordingly, appointed post-conviction counsel, the district court should consider appointing replacement counsel. Further, in light of the circumstances, the court should ensure prompt adjudication of the post-conviction petition.