

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROYAL WILCOX,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64073

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND WITH INSTRUCTIONS TO
THE CLERK OF THE DISTRICT COURT AND
THE DISTRICT COURT JUDGE*

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.


On June 7, 2013, appellant, Royal Wilcox, filed a proper person post-conviction petition for a writ of habeas corpus in the district court designating two cases: 38847 and 38296. The clerk of the district court filed the petition in case C096176, a case relating to a defendant named Royal Demetrius Wilcox.

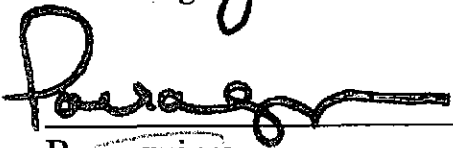
Our review of the record on appeal reveals that the filing and disposition of the petition in case C096176 was in error. The case numbers designated by Royal Wilcox were incomplete. The complete case numbers were 77C038847 and 77C038926, criminal cases relating to a defendant named Roy H. Wilcox, who appears to be serving time for


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

multiple sexual assaults and other charges. The filing of the petition in the wrong case prevented the district court from conducting a meaningful review.² Thus, we reverse the order of the district court denying the petition in C096176, and we remand this matter to the district court. The clerk of the district court shall file the petition previously filed in C096176 in cases 77C038847 and 77C038926. The district court shall then order the State to file a response to the petition filed in the correct cases, see NRS 34.745, and proceed with the petition in the correct cases in the usual manner. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.³


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

²We encourage appellant to use the complete case numbers in any future filings to prevent such confusion from occurring again in the future.

³We have considered all proper person documents filed or received in this matter. We conclude that appellant is only entitled to the relief described herein.

cc: Hon. Kathleen E. Delaney, District Judge
Royal Wilcox
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk