

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW JOHN CAUSEY,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36721

FILED

DEC 05 2001

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

ORDER OF REVERSAL AND REMAND

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

In July 2000, appellant filed a proper person post-conviction petition for writ of habeas corpus and a motion for leave to proceed in forma pauperis. On August 8, 2000, the district court denied appellant's petition on the ground that it was not verified. The district court also denied appellant's motion for leave to proceed in forma pauperis.¹ This appeal followed.

This court's review of the record on appeal reveals that the district court erred. Appellant properly verified his habeas petition. At page fourteen (14) of his petition, appellant, "under penalty of perjury," declared (1) that he is the petitioner, (2) that he knows the contents of his petition, (3) that the pleading is true of his own knowledge, (4) except as to

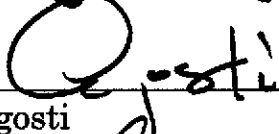
¹On September 26, 2000, in response to appellant's "Motion for Reconsideration of Defendant's Motion to Proceed in Forma Pauperis and for Petition for Writ of Habeas Corpus (Post-Conviction)," the district court again denied appellant's petition on the ground that it was unverified, but granted appellant's motion.

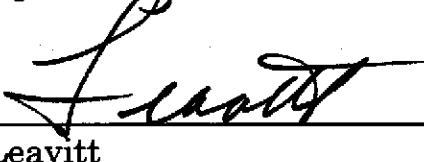
those matters stated upon information and belief, and as to those matters appellant believes them to be true.² Thus, we conclude that the district court erred in determining that appellant's habeas petition was not properly verified and further erred in determining that it was without jurisdiction to decide the merits of the petition.

Accordingly, we

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


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Steven P. Elliott, District Judge
Attorney General/Carson City
Washoe County District Attorney
Matthew John Causey
Washoe County Clerk

²See NRS 34.730; NRS 34.735.