

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY SINGLETON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

DAVID WILLIAM COX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

JEFFREY WILLUHM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

LORENZO BLEDSOE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 35547

FILED

AUG 22 2002

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

No. 35864

No. 36978

No. 37075

ORDER OF REVERSAL AND REMAND

Docket Nos. 35547, 35864, 36978, and 37075 are proper person appeals from orders of the district court denying appellants' post-conviction petitions for writs of habeas corpus. We elect to consolidate these appeals for disposition.<sup>1</sup>

Appellants filed proper person post-conviction petitions for writs of habeas corpus in the district court. In their petitions, the appellants claimed, among other things, that their attorneys, who

<sup>1</sup>See NRAP 3(b).

represented them in the proceedings leading to their convictions, provided ineffective assistance of counsel. The district court conducted hearings on the merits of the claims appellants raised in their petitions. At the hearings, the district court received evidence and testimony from appellants' former counsel regarding the merits of the claims appellants raised in their petitions. Appellants, however, were not present at the hearings nor was post-conviction counsel appointed to represent appellants at the hearings. After each hearing, the district court denied appellants' petitions. These appeals followed.

This court recently held in Gebers v. State<sup>2</sup> that a petitioner's statutory rights are violated when a district court conducts evidentiary hearings regarding the claims raised in a petitioner's petition when the petitioner is not present at the hearing nor represented by post-conviction counsel. Thus, pursuant to Gebers, the district court violated appellants' statutory rights when it conducted ex parte evidentiary hearings on the claims that appellants raised in their petitions. Therefore, we reverse the orders of the district court denying appellants' petitions and remand these matters to a different district court judge for evidentiary hearings on the merits of the claims appellants raised in their petitions. The district court shall provide for appellants' presence at the hearings.<sup>3</sup>

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<sup>2</sup>See Gebers v. State, 118 Nev. \_\_\_, \_\_\_ P.3d \_\_\_ (Adv. Op. No. 53, August 2, 2002).

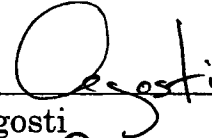
<sup>3</sup>See NRS 34.390. The district court may exercise its discretion and appoint post-conviction counsel. See NRS 34.750.

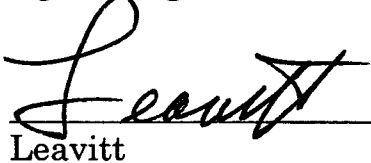
Having reviewed the records on appeal and for the reasons set forth above, we conclude that oral argument and briefing are unwarranted in these matters.<sup>4</sup> Accordingly, we

ORDER the judgments of the district court REVERSED AND REMAND these matters to the district court for proceedings consistent with this order.

It is so ORDERED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Donald M. Mosley, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Jerry Singleton  
David William Cox  
Jeffrey Willuhm  
Lorenzo Bledsoe  
Clark County Clerk

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<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>5</sup>We have considered all proper person documents filed or received in these matters. We conclude that appellants are entitled only to the relief described herein. This order constitutes our final disposition of these appeals. Any subsequent appeal shall be docketed as a new matter.