

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN DANIEL ORRE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37353

FILED

MAY 23 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

STEVEN D. ORR A/K/A STEVEN DANIEL
ORRE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37730

O R D E R

These are proper person appeals from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On December 18, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The district court minutes of January 8, 2001, indicate that the district court orally ruled that it would not entertain the petition. No written order was entered at the time. Appellant's appeal from the district court's oral decision was docketed in this court in Docket No. 37353. It was unclear from this court's review whether the district court had denied the petition or simply taken the petition "off calendar" for resolution at a later time. Thus, on February 14, 2001, this court issued an order directing the district court to enter a written judgment resolving appellant's petition or inform this court that the petition remained pending in the district court. If the district court

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entered a written order, the clerk of the district court was to immediately transmit a certified copy of that order to this court. On March 20, 2001, the district court entered a written order denying appellant's December 18, 2000 habeas corpus petition. On April 12, 2001, appellant filed a notice of appeal from that order. The April 12, 2001 appeal was docketed in this court as Docket No. 37730.

The district court clerk never transmitted a certified copy of the district court's written order denying appellant's habeas petition to this court in Docket No. 37353. Instead, the clerk transmitted a copy of the district court's written order of March 20, 2001, with the case appeal packet in Docket No. 37730. Thus, because this court now has been provided with a certified copy of the district court's final, written decision, this court concludes that district court clerk shall be under no further obligations to comply with this court's order of February 14, 2001, directing the transmission of the written judgment or order in Docket No. 37353.

Nonetheless, it is apparent that separate appeals were inadvertently docketed in this court under Docket Nos. 37353 and 37730 from the same decision of the district court denying appellant's December 18, 2000 habeas corpus petition. Accordingly, the clerk of this court shall administratively close Docket No. 37730 and transfer to Docket No. 37353 all documents filed or received in Docket No. 37730. Appellant's appeal from the denial of his habeas corpus petition shall hereafter proceed under Docket No. 37353.

Further, having reviewed the documents on file in this proper person appeal, it appears that this court's review

of the complete record is warranted.¹ Accordingly, the clerk of the district court shall have one hundred and twenty (120) days from the date of this order within which to transmit to the clerk of this court a certified copy of the complete trial court record of the district court proceedings relating to the appeal in Docket No. 37353.¹

It is so ORDERED.

Mausin, C.J.

cc: Attorney General
Clark County District Attorney
Steven Daniel Orre
Clark County Clerk

¹See NRAP 10(a)(1).

²See NRAP 11(a)(2) (the complete record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings). The record shall not include any exhibits filed in the district court.