

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN CRAIG ROMINE,

Petitioner,

vs.

WARDEN, WELLS CONSERVATION CAMP,
ROBERT HILDRETH, DIRECTOR, NEVADA
DEPARTMENT OF PRISONS, JACKIE
CRAWFORD, AND THE STATE OF NEVADA,

Respondents.

No. 38127

FILED

JUL 12 2001

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

ORDER DENYING PETITION

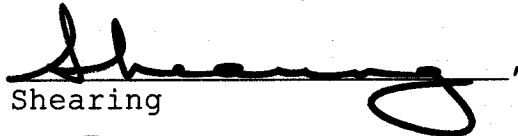
This is a proper person petition for a writ of mandamus requesting this court to order respondents to transport petitioner to the district court on July 18, 2001, the date petitioner's post-conviction petition for a writ of habeas corpus has been placed on calendar for further proceedings.

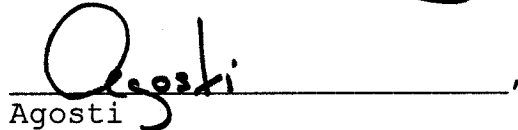
On May 1, 2001, petitioner filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On May 4, 2001, the district court ordered the State to respond to the petition and ordered the matter to be placed on the court's July 18, 2001 calendar. On May 21, 2001, petitioner filed a motion requesting the district court to order him to be transported to the district court for the July 18, 2001 proceeding. On May 31, 2001, the district court denied petitioner's motion, concluding that there was no need for petitioner to be present at the proceeding.

response to his petition, and petitioner is concerned that evidence or argument may be presented by the State on July 18, 2001, without petitioner being present to respond.

We conclude that our intervention by extraordinary writ is not warranted at this time.¹ We are confident that the district court will not conduct any proceedings on July 18, 2001, wherein due process would mandate petitioner's presence. We emphasize, however, that this court strongly disapproves of ex parte post-conviction proceedings in which evidence or argument are presented in court without a petitioner or a petitioner's post-conviction counsel also being afforded an opportunity to present evidence or argument. Accordingly, we

ORDER the petition DENIED.


Shearing J.


Agosti J.


Rose J.

cc: Hon. John S. McGroarty, District Judge
Attorney General
Clark County District Attorney
Steven Craig Romine
Clark County Clerk