

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL ALVIN EMERICH,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41956

FILED

MAR 11 2004

ORDER DENYING PETITION

*J. Swails*  
CLERK OF SUPREME COURT  
DEPUTY CLERK

This proper person petition seeks a writ of mandamus directing petitioner's attorney to provide petitioner with a copy of documents pertaining to the district court proceedings leading to petitioner's conviction. In criminal proceedings below, petitioner was convicted, pursuant to a guilty plea, of one count of obtaining or using the personal identifying information of another.<sup>1</sup> Having reviewed the petition, we conclude that this court's intervention by way of extraordinary writ is not warranted at this time. Petitioner's complaints against his attorney and his request for a copy of his file should be presented to the district court in the first instance in the context of a post-conviction petition for a writ of habeas corpus.

Accordingly, we

ORDER this petition DENIED.

*Becker* \_\_\_\_\_, J.  
Becker  
*Agosti* \_\_\_\_\_, J.  
Agosti  
*Gibbons* \_\_\_\_\_, J.  
Gibbons

<sup>1</sup>This court affirmed petitioner's conviction on direct appeal. See Emerich v. State, Docket No. 41106 (Order of Affirmance, September 19, 2003).

cc: Hon. Jerome Polaha, District Judge  
Carl Alvin Emerich  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk