

IN THE SUPREME COURT OF THE STATE OF NEVADA

BYRON ELROY CRUTCHER,

No. 38451

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
NANCY M. SAITTA, DISTRICT JUDGE,

**FILED**

OCT 30 2001

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

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus/prohibition. Petitioner is seeking to prevent the district court from allowing petitioner to file a post-conviction petition for a writ of habeas corpus raising direct appeal claims pursuant to Lozada v. State<sup>1</sup>, in the district court. Petitioner notes that attorney Peter S. Christiansen has been appointed to represent petitioner to pursue the Lozada remedy.<sup>2</sup> However, petitioner states that he is pursuing relief in the federal courts and wishes the federal court to decide all claims.

We have reviewed the documents on file with this court, and we conclude that our intervention by extraordinary writ is not warranted.<sup>3</sup> This court determined that "the district court shall appoint counsel to represent petitioner and shall permit petitioner to file a petition for a writ

<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

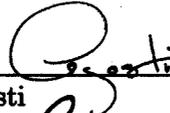
<sup>2</sup>See Lozada, 110 Nev. at 359, 871 P.2d at 950.

<sup>3</sup>NRS 34.160; NRS 34.170.

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of habeas corpus raising issues appropriate for direct appeal.”<sup>4</sup> The district court has complied with this court’s order. Accordingly, we ORDER the petition DENIED.<sup>5</sup>

  
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Young J.

  
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Agosti J.

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

cc: Hon. Nancy M. Saitta, District Judge  
Attorney General  
Clark County District Attorney  
Peter S. Christiansen  
Byron Elroy Crutcher  
Clark County Clerk

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<sup>4</sup>Crutcher v. State, Docket No. 32140 (Order of Reversal and Remand, September 26, 2000).

<sup>5</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.