

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DAMON RIPPO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53626

**FILED**

**JUN 25 2010**

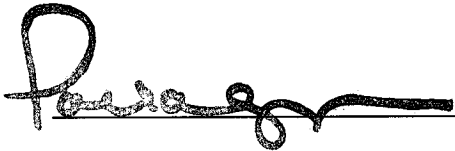
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DENYING MOTION

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus in a death penalty case. Appellant has filed a motion requesting this court take judicial notice of three documents: (1) the State's Post-Hearing Memorandum in Lopez v. McDaniel, Eighth Judicial District Court Case No. C068946; (2) the State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion to Dismiss in State v. Echavarria, Eighth Judicial District Court Case No. C95399; and (3) a transcript of proceeding in State v. Leonard, Eighth Judicial District Court Case No. C126285. Appellant asserts that these documents are necessary to respond to the State's argument that appellant's allegation of good-cause based on the ineffective assistance of post-conviction counsel is untimely, although his petition was filed within one year of this court's resolution of his appeal related to a previous post-conviction petition. In particular, appellant argues that the documents demonstrate that the State has "represented in numerous cases that one year is a presumptively reasonable time within which to bring claims of ineffective assistance of post conviction counsel."

Generally, this court will not take judicial notice of records in another and different case, although this rule is not entirely inflexible, and an exception may be made where there is a "close relationship" between the cases. Occhiuto v. Occhiuto, 97 Nev. 143, 145, 625 P.2d 568, 569 (1981). Here, however, there is no "close relationship" between appellant's case and the subject cases sufficient to justify taking judicial notice of the requested documents. Moreover, there is no indication that these documents were presented to the district court, and this court generally "will not look outside the district court record in deciding a case." See Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). Accordingly, we deny appellant's motion to take judicial notice.

It is so ORDERED.

 , C.J.

cc: Federal Public Defender/Las Vegas  
Attorney General/Carson City  
Clark County District Attorney