

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH CHARLES MCKNIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59075

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

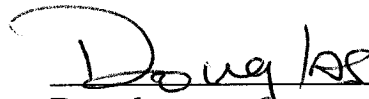
ORDER OF REVERSAL AND REMAND


This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

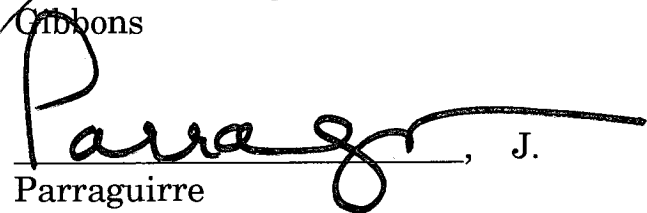
The district court denied appellant's July 13, 2011, petition on the basis that he failed to properly serve the petition on the attorney general and the district attorney. See NRS 34.730(2). Although the district court was correct that the petition was not properly served, we conclude that the district court erred in denying the petition. The failure to serve the petition on the attorney general and the district attorney is a curable defect, and thus, appellant should be permitted a reasonable opportunity to file a certificate of service to cure this defect. See Miles v. State, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004). Accordingly, we

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.²


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Connie J. Steinheimer, District Judge
Kenneth Charles McKnight
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have considered all proper person documents filed or received in this matter. We conclude that appellant is only entitled to the relief described herein.