

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS O. BRUNSEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60092

**FILED**

SEP 12 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

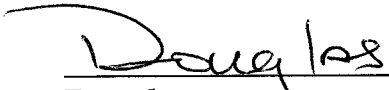
Appellant's petition was filed on August 17, 2011, more than one year after entry of the judgment of conviction on August 10, 2010. Thus, the district court denied the petition as procedurally barred based on NRS 34.726(1). Our review of the record reveals that appellant's petition was stamped received by the clerk's office on August 9, 2011, within the one-year time limit for filing a post-conviction petition for a writ of habeas corpus.<sup>2</sup> *Id.* Because the petition was timely submitted for filing, the district court erred in applying the procedural bar. The petition must be decided on the merits. Accordingly, we


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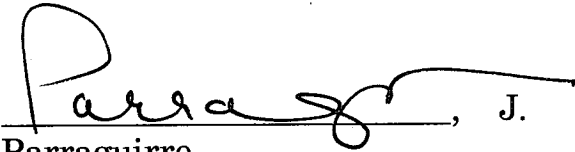
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>2</sup>It is not clear why there was an eight-day delay in officially filing the petition.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Jennifer P. Togliatti, Chief District Judge  
Eighth Judicial District Court, Dept. 14  
Thomas O. Brunsen  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk