

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAROLD EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72267

FILED

DEC 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF REVERSAL

Harold Edwards appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.


Edwards filed a document entitled "defendant/petitioner intends to present the following issues in his post-conviction writ of habeas corpus" on December 16, 2016. The district court construed the document as a postconviction petition for a writ of habeas corpus and dismissed it for failure to conform to the requirements of NRS 34.735. Substantively, the document consisted of only four headings and no details or argument. Thus it appears the pleading was not intended to be a postconviction petition. Rather, it appears it was only intended to notify the district court of the

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

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claims Edwards intended to raise. The record reflects Edwards has since filed a timely and substantive postconviction habeas petition. Because it appears the document was only intended to put the court on notice of the issues Edwards intended to raise, we conclude the district court erred by construing the document as a postconviction petition and dismissing it. Accordingly, we

ORDER the judgment of the district court REVERSED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
Harold Edwards
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk