

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NATALIE MONIQUE ROBINSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73764

FILED

JUN 29 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Natalie Monique Robinson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 7, 2017.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

We previously ordered the State to show cause why the district court's order denying the petition as untimely should not be reversed. See *Robinson v. State*, Docket No. 73764 (Order to Show Cause, June 8, 2018). Although Robinson's petition was filed outside the one-year time limit, see NRS 34.726(1), it was received by the clerk of the district court within the one-year time limit. And it is the clerk's duty, not the parties', to file submitted documents. See *Sullivan v. Eighth Judicial Dist. Court*, 111 Nev. 1367, 1372, 904 P.2d 1039, 1042 (1995).

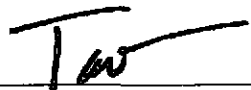
In its response, the State acknowledges the clerk received the petition within the one-year time limit and states it does not oppose a remand to consider Robinson's petition on the merits. Because the record

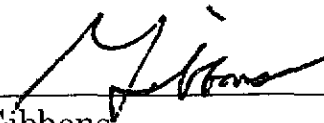
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

demonstrates the district court clerk received the petition within the one year time limit for filing the petition, we conclude the district court erred by denying the petition as untimely. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court to consider Robinson's petition on the merits.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Natalie Monique Robinson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk