

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NATHANIEL GRAVES,
Appellant,
vs.
THE STATE OF NEVADA;
DEPARTMENT OF CORRECTIONS;
AND T. THOMAS, WARDEN,
Respondents.

No. 75939-COA

FILED

APR 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Nathaniel Graves appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 7, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


In his petition, Graves challenged the computation of time served as it related to his maximum sentence. He claimed, based on the credits he had earned, he should have expired his sentence in 2017. In its order denying Graves' petition, the district court treated Graves' petition as a petition seeking credits toward his minimum term. Because it appeared the district court did not resolve the claim raised in Graves' petition, we ordered the State to respond to Graves' informal brief. The State admits

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

the district court's order does not resolve the claim raised in his petition. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court to reconsider Graves' petition.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Nathaniel Graves
Attorney General/Las Vegas
Eighth District Court Clerk

²We decline the State's request to consider one portion of the claim raised by Graves in his petition. The claim raised in Graves' petition should be considered by the district court in the first instance.