

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DENNIS PALMER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67232

FILED

MAR 16 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND


This is an appeal from an order of the district court denying a motion for release from lifetime supervision filed pursuant to NRS 176.0931. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

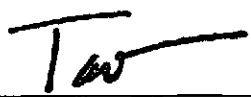
Appellant Dennis Palmer asserts the district court erred by determining his motion for release from lifetime supervision was prematurely filed and by denying the petition on this basis. Although the State argued below that the motion was prematurely filed, in its response, the State now states, "Based on the State's review of the available specific facts of this case, as well as the internal policies of the District Attorney's Office, the State does not oppose Palmer's request to remand this matter to the District Court with instructions to grant his request to be removed from lifetime supervision."


We agree reversal is warranted and this appeal should be remanded for the district court to reconsider Palmer's request for release from lifetime supervision. *See* NRS 176.0931(3) (requiring the district court to grant a petition for release from lifetime supervision if the petitioner has complied with the statutory requirements); *see generally*

Goudge v. State, 128 Nev. ___, ___, 287 P.3d 301, 302-03 (2012) (State did not challenge timing of petition for release where Goudge placed on probation and petition for release filed 10 years after conviction). Accordingly, we

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Gary A. Modafferi
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk