

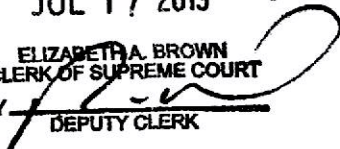
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
A/K/A STEVEN SAMUEL JALBERT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76788-COA

FILED

JUL 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Steven Samuel Braunstein appeals from an order of the district court denying a motion to withdraw guilty plea filed on June 29, 2018.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.


The district court construed Braunstein's motion as a postconviction petition for a writ habeas corpus, found the petition was procedurally barred, and concluded Braunstein failed to overcome any procedural bars. While the district court correctly construed the motion as a postconviction petition, the district court failed to give Braunstein the opportunity to cure any defects. *See Harris v. State*, 130 Nev. 435, 448-49, 329 P.3d 619, 628 (2014). Because the district court did not follow the requirements of *Harris*, we reverse.


On remand, the district court shall provide Braunstein with an opportunity to cure any defects with respect to the procedural requirements

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

of NRS Chapter 34 within a reasonable time period as set by the district court.² *See id.* 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.
Bulla

cc: Hon. Stefany Miley, District Judge
Steven Samuel Braunstein
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We express no opinion as to whether Braunstein can meet the procedural requirements of NRS Chapter 34.