

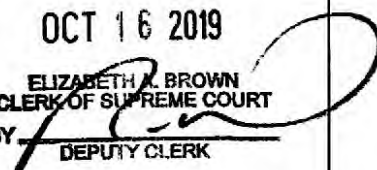
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAWRENCE RONALD VALENTINE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77514-COA

FILED

OCT 16 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Lawrence Ronald Valentine appeals from an order of the district court denying pleadings entitled “Voidable JOC – Due to (7) Different Jurisdictional Defects Which Mandates Release from Custody,” “Affidavit of Defective Jurisdiction and Constitutional Rights Violations,” and “Motion for Order Nullifying JOC” all filed on June 8, 2018. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Based on the nature of the relief sought and type of claim raised in his pleadings, the district court construed Valentine’s pleadings to be a postconviction petition for a writ of habeas corpus. We conclude the district court did not err by so construing these pleadings. *See* NRS 34.724(2)(b) (a postconviction petition for a writ of habeas corpus is the exclusive remedy for challenging the validity of a conviction or sentence). However, the district court then denied the pleadings as procedurally barred without giving Valentine an opportunity to cure the defects in his pleadings, i.e., to plead good cause and prejudice to overcome the procedural bars. This was error. *See Miles v. State*, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004) (recognizing that NRS Chapter 34 does not prohibit the amendment of a petition to cure pleading defects); *see also Harris v. State*, 130 Nev. 435, 448-

19-42759

49, 329 P.3d 619, 628 (2014). Therefore, we reverse the order of the district court and remand this matter for the district court to give Valentine an opportunity to cure the defects in his pleadings. 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. Michael Villani, District Judge
Lawrence Ronald Valentine
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk