


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAWRENCE RONALD VALENTINE,  
Appellant,  
vs.  
THE STATE OF NEVADA; N.D.O.C.;  
AND BRIAN WILLIAMS, WARDEN,  
Respondents.

No. 77515-COA

**FILED**

NOV 12 2019

ELIZABETH L. 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 his pleading entitled "Order to Nullify J.O.C. Due to Want of Prosecution – Pursuant to Nevada Constitution and Immediate Release from Custody Within 4 Hours Next Business Day at 12 Noon" filed on July 18, 2018. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Based on the nature of the relief sought and type of claims raised in his pleadings, the district court construed Valentine's pleading to be a postconviction petition for a writ of habeas corpus. We conclude the district court did not err by so construing the pleading. *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 pleading as procedurally barred without giving Valentine an opportunity to cure the defects in his pleading, 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-

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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 pleading. 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/Las Vegas  
Eighth District Court Clerk