

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

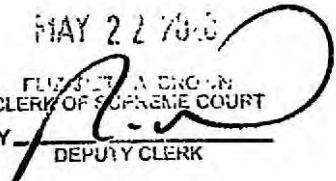
ROBERT PAUL SPANGLER,
Appellant,
vs.
WILLIAM A. GITTERE, WARDEN, ESP;
AND THE STATE OF NEVADA,
Respondents.

ROBERT PAUL SPANGLER,
Appellant,
vs.
WILLIAM A. GITTERE, WARDEN, ESP;
AND THE STATE OF NEVADA,
Respondents.

No. 79220-COA

FILED

MAY 22 2019

FLORIAN A. ENGIN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

No. 79221-COA

ORDER OF AFFIRMANCE

Robert Paul Spangler appeals from a single order of the district court denying a “motion for civil enforcement of negotiated plea agreement” that was filed in both district court case number CR93-0499 (Docket No. 79220) and district court case number CR93-0671 (Docket No. 79221). Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

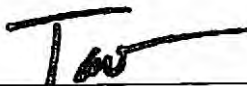
Spangler’s identical motions were filed in both district court cases on May 20, 2019. In the motions, Spangler challenged the validity of his judgments of conviction by asserting the State breached the plea negotiations and contending both offenses should have been charged in the same case. Due to the nature of the claims raised, the district court construed the motions as postconviction petitions for a writ of habeas corpus. The district court found that, before the motions were filed,

Spangler expired the sentences for these convictions and was no longer in custody pursuant to the judgments of conviction for these district court cases. And the district court denied relief.

The record supports the district court's findings. We conclude the district court did not err by construing the motions as postconviction petitions for a writ of habeas corpus and denying them. See Nev. Const. art. 6, § 6(1); NRS 34.724(1); NRS 34.724(2)(b) (stating a postconviction petition for a writ of habeas corpus is the exclusive remedy with which to challenge the validity of a judgment of conviction); *Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Barry L. Breslow, District Judge
Robert Paul Spangler
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹We have reviewed Spangler's "motion for speculative substantive appellant relief: notice of plain error" filed with this court on February 25, 2020, and we conclude no relief is warranted.