

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GIOVANNI KOHLER KURTZE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83084-COA

**FILED**

OCT 21 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK


*ORDER OF REVERSAL AND REMAND*

Giovanni Kohler Kurtze appeals from an order of the district court denying two postconviction petitions for a writ of habeas corpus filed on February 24, 2021, and May 4, 2021. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

The district court denied Kurtze's petitions solely on the grounds that they did not comply with the format outlined in NRS 34.735. The district court should have afforded Kurtze a reasonable opportunity to cure the defects before it denied his petitions. *See Miles v. State*, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004); *cf. Harris v. State*, 130 Nev. 435, 448-49, 329 P.3d 619, 628 (2014) (holding district court should allow a defendant time to cure any defects "within a reasonable time period selected by the district court"). We therefore reverse the district court's order denying Kurtze's petitions and remand this matter for the district court to provide Kurtze with an opportunity to cure the defects. 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. Michelle Leavitt, District Judge  
Giovanni Kohler Kurtze  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk