



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY TIMBOTCHU HURD-
SAMUELS,
Appellant,
vs.
THE STATE OF NEVADA AND
NEVADA BOARD OF PAROLE
COMMISSIONERS,
Respondents.

No. 91456-COA

ORDER OF REVERSAL AND REMAND

Anthony Timbotchu Hurd-Samuels appeals from a district court order denying an “emergency application for writ of habeas corpus” filed on July 11, 2025. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

In his petition, Hurd-Samuels claimed his due process rights were violated because the Nevada Board of Parole Commissioners (Parole Board) failed to hold a parole revocation hearing within 60 days after he was returned to the custody of the Nevada Department of Corrections (NDOC). The district court determined that Hurd-Samuels had expired his sentence in case no. C-23-370942-1—in which Hurd-Samuels was convicted, pursuant to a guilty plea, of possession of a firearm without a serial number—and, thus, he was not unlawfully detained or confined pursuant to NRS 34.360.

After review, we conclude the district court erred by denying Hurd-Samuels’ petition based on the expiration of his sentence in case no. C-23-370942-1. Hurd-Samuels was not granted parole in case no. C-23-370942-1; rather, as the district court recognized, he was sentenced to 364 days in jail and awarded 589 days’ credit for time served in that matter.

Thus, Hurd-Samuels' parole-revocation claim related to a conviction in a different criminal case, upon which the expiration of his sentence in case no. C-23-370942-1 had no bearing.¹ Further, Hurd-Samuels' claim was properly before the court regardless of whether he subsequently received a parole revocation hearing. *See In re Smith*, 138 Nev. 133, 134, 506 P.3d 325, 327 (2022) (addressing a claim raised in an "emergency petition for a writ of habeas corpus" that the Parole Board failed to hold a timely parole revocation hearing); *Howard v. State*, No. 87843, 2026 WL 318309 (Nev. Feb. 5, 2026) (Order of Reversal and Remand).

The district court alternatively concluded that Hurd-Samuels' claim lacked merit because Hurd-Samuels "was adjudicated in his new criminal case on May 13, 2024, and the NDOC held his parole hearing on July 9, 2024, within sixty (60) days as required by statute." The record on appeal does not include any documentation regarding the challenged parole revocation hearing or the criminal case to which it relates. Thus, the record lacks the details necessary to support the district court's conclusion that the alleged parole revocation hearing was held in a timely manner. Moreover, the district court did not address Hurd-Samuels' claim that he was in NDOC custody for the purposes of NRS 213.1517 when he attempted to bail out in case no. C-23-370942-1 in accordance with a pretrial release order but was

¹Hurd-Samuels' petition did not indicate whether it was filed pursuant to NRS 34.360 (petition inquiring into the cause of imprisonment or restraint) or NRS 34.724 (petition requesting relief from a judgment of conviction or sentence in a criminal case or challenging the computation of time served pursuant to a judgment of conviction), but the district court properly concluded that Hurd-Samuels could not file a postconviction habeas petition challenging his judgment of conviction or sentence in case no. C-23-370942-1 because he had expired his sentence in that matter. *See* NRS 34.724(1); *Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999).

denied release due to a parole hold and placed in the NDOC housing unit of the Clark County Detention Center. *See In re Smith*, 138 Nev. at 137, 506 P.3d at 329 (holding NRS 213.1517(4) does not apply where a parolee is returned to NDOC custody prior to the adjudication of new criminal charges). In light of these circumstances, we conclude remand is warranted for further consideration of Hurd-Samuels' claim. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Monica Trujillo, District Judge
Anthony Timbotchu Hurd-Samuels
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk