

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN L. WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66724

FILED

MAY 18 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND


This is a pro se appeal from an order denying a petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

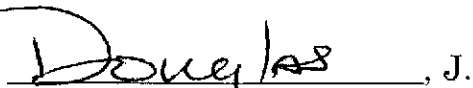
Appellant is incarcerated in the Lovelock Correctional Center. In a petition filed on May 14, 2014, in the Sixth Judicial District Court, appellant claimed that the Parole Board was not applying NRS 213.1215(2) correctly and that NRS 213.1215(2) was unconstitutional in its definition of juvenile offenders. Judge Richard Wagner, of the Sixth Judicial District Court, ordered the transfer of the petition to the Eighth Judicial District Court, the court for the county from which the judgment of conviction arose. The petition was subsequently treated as a petition challenging the validity of the judgment of conviction and sentence and denied as procedurally barred.

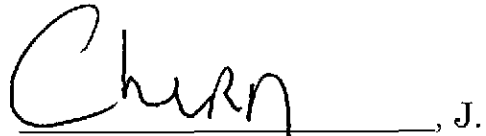
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Based upon our review of the record on appeal, we conclude that appellant's petition was improperly transferred to the Eighth Judicial District Court and incorrectly denied as procedurally barred. Appellant's petition did not challenge the validity of the judgment of conviction and sentence, but rather challenged NRS 213.1215(2), as drafted and as applied. Such a challenge should be raised in a petition for a writ of habeas corpus filed in the county in which the petitioner is incarcerated. See NRS 34.360; NRS 34.738(1). Thus, we reverse the decision of the district court denying the petition, and we remand with instructions for the clerk of the district court to transfer the petition to the Sixth Judicial District Court. Accordingly, we

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


Parraguirre


Douglas


Cherry

cc: Eighth Judicial District Court Dept. 20
John L. Williams
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk