

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUNG HONG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45523

FILED

NOV 03 2005

ORDER OF REVERSAL AND REMAND

JANETIE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge.

On December 4, 2003, the district court convicted appellant, pursuant to a jury verdict, of battery with the use of a deadly weapon resulting in substantial bodily harm and attempted second-degree kidnapping. The district court sentenced appellant to serve two concurrent terms of twenty-four to eighty-four months in the Nevada State Prison. Appellant was also given 187 days' credit for time served.¹ Appellant did not file a direct appeal.

¹On September 24, 2004, the district court entered an amended judgment of conviction that granted appellant an additional 110 days' credit for time served.


On May 11, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed and moved to dismiss the petition. Appellant filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On June 17, 2005, the district court denied appellant's petition. This appeal followed.

Our review of the record on appeal reveals that the order denying the petition is deficient and does not comply with NRS 34.830(1) or NRAP 4(b)(2). Specifically, the findings of fact are incomplete; the order fails to identify petitioner's claims, address petitioner's good cause argument for filing an untimely petition, or, if good cause was demonstrated, resolve petitioner's ineffective assistance of counsel claims; and the order does not contain any conclusions of law that support the decision of the district court. Without such information, this court cannot determine the district court's basis for denying the petition. We therefore conclude that reversal is warranted so the district court may conduct any proceedings necessary for the resolution of the petition and for entry of an order resolving the petition that complies with NRS 34.830(1) and NRAP 4(b)(2).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is entitled only to the relief

granted herein and that briefing and oral argument are unwarranted.²
Accordingly, we

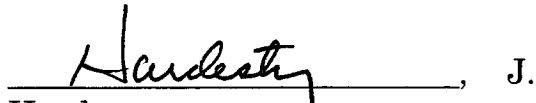
ORDER the judgment of the district court REVERSED AND
REMAND this matter to the district court for proceedings consistent with
this order.³

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Nancy M. Saitta, District Judge
Sung Hong
Attorney General
Clark County District Attorney David J. Roger
Clark County Clerk

²See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

³We have considered all proper person documents filed or received in this matter. We conclude that appellant is only entitled to the relief described herein. This order constitutes our final disposition of this appeal. Appellant may appeal from any adverse final order resolving his petition. See NRS 34.575; NRAP 4(b). Any subsequent appeal shall be docketed as a new matter.