IN THE SUPREME COURT OF THE STATE OF NEVADA

LUSAN RAHMAN, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 52551
LUSAN RAHMAN, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 53297

ORDER OF REVERSAL AND REMAND

These are proper person appeals from orders of the district court denying post-conviction petitions for a writ of habeas corpus. Eighth Judicial District Court, Clark County; David B. Barker, Judge. We elect to consolidate these appeals for disposition. See NRAP 3(b).

Docket No. 52551

Appellant filed a timely petition on June 17, 2008. The district court denied the petition without conducting an evidentiary hearing or appointing counsel. We cannot affirm the order of the district court at this time for the reasons discussed below.

NRS 34.750 provides for the discretionary appointment of post-conviction counsel and sets forth the following factors which the court may consider in making its determination to appoint counsel: the petitioner's indigency, the severity of the consequences to the petitioner,

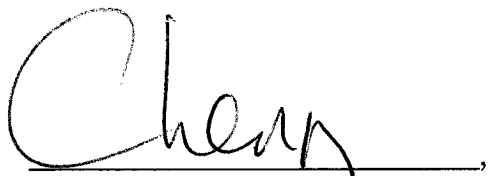
the difficulty of those issues presented, whether the petitioner is unable to comprehend the proceedings, and whether counsel is necessary to proceed with discovery. The determination of whether counsel should be appointed is not necessarily dependent upon whether a petitioner raises issues in a petition which, if true, would entitle the petitioner to relief.

Appellant's petition arose out of a lengthy trial with potentially complex issues. Appellant was represented by appointed counsel at trial. Appellant is serving a significant sentence. In addition, appellant moved for the appointment of counsel and claimed that he was indigent. Further, it appears that appellant had difficulty comprehending the proceedings. The failure to appoint post-conviction counsel prevented a meaningful litigation of the petition. Thus, we reverse the district court's denial of appellant's petition and remand this matter for the appointment of counsel to assist appellant in the post-conviction proceedings.

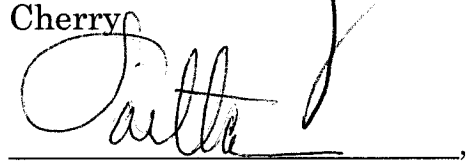
Docket No. 53297

In light of our decision in Docket No. 52551 to remand the matter to the district court for the appointment of post-conviction counsel, we cannot affirm the district court's decision to deny the second petition as successive and decline to consider the denial of this petition. The district court should consider the second petition after the resolution of the first petition. Accordingly, we

ORDER the judgments of the district court REVERSED AND REMAND these matters to the district court for proceedings consistent with this order.[1]



_____, J.
Cherry



_____, J.
Saitta

_____, J.
Gibbons

cc: Hon. David B. Barker, District Judge
Lusan Rahman
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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[1]We have considered all proper person documents filed or received in these matters. We conclude that appellant is only entitled to the relief described herein. This order constitutes our final disposition of these appeals. Any subsequent appeal shall be docketed as a new matter.