

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL L. JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58052

FILED

SEP 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is a proper person appeal from an order of the district court vacating a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.

Appellant filed a timely post-conviction petition for a writ of habeas corpus on December 21, 2010. Appellant filed amendments adding additional claims to his petition on January 24 and February 3, 2011. At a hearing on March 7, 2011, the district court verbally “vacated” appellant’s petition because it was longer than 20 pages. In response to an order from this court, the district court entered a written “Order Vacating Hearing On Defendant’s Petition for a Writ of Habeas Corpus” on July 13, 2011. This order did not mention a specific page limit, but stated that the petition was unreasonably and excessively lengthy, and contained grounds

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

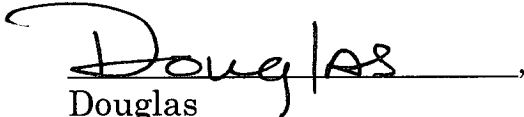
that were not relevant, discernable or cognizable by the district court. The order further indicated that appellant was required to re-file his petition before the district court would consider it.

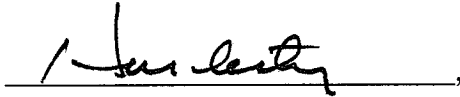
Given the requirement that appellant re-file his petition, the district court's order was the functional equivalent of an order dismissing appellant's petition without prejudice. We conclude that this was an abuse of discretion. NRS chapter 34 does not contain limitations regarding overall length or the number of claims that may be raised in a post-conviction petition for a writ of habeas corpus. Rather, the form petition set forth in NRS 34.735 specifically provides that a petitioner must state every ground on which the petitioner claims he is being held unlawfully and a petitioner must support his claims with specific factual allegations. See also Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). A petitioner is not required to provide any legal citation or analysis. See NRS 34.735. Further, NRS chapter 34 does not allow for a district court to dispose of a petition by dismissing it without prejudice. See NRS 34.830(2) (anticipating that the district court will make a final disposition of any petition filed in the proper venue).

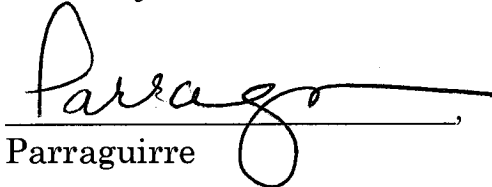
While appellant did raise in excess of 90 grounds for relief, appellant's petition largely complied with the requirements of NRS 34.735. Accordingly, we conclude that the district court erred in not ruling on the merits of appellant's petition. Therefore, we reverse the order of the district court and remand for the district court to consider the claims raised in appellant's petition. As appellant has filed a lengthy petition which raised numerous and potentially complex claims, the district court may consider whether to appoint counsel to aid in the post-conviction proceedings. NRS 34.750(1). Finally, after the district court reaches a

decision on the petition, it must enter an order containing specific findings of fact and conclusions of law supporting its decision. NRS 34.830(1). Accordingly, we

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

 J.
Douglas

 J.
Hardesty

 J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Darryl L. Jones
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk