


IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL GOMEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80027

**FILED**

DEC 16 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*


This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Appellant Samuel Gomez contends that the district court abused its discretion by denying his petition without appointing counsel. We agree. *See* NRS 34.750(1). Gomez's petition indicated that he did not comprehend the proceedings or understand English. Gomez relied on an interpreter during trial. Gomez received a significant sentence, this was his first petition challenging his judgment of conviction and was accompanied by a certification of indigency, and he raised claims that arguably require the assistance of counsel to conduct discovery. Accordingly, we conclude that the district court abused its discretion when

it denied Gomez's request for counsel. *See id; Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 760-61 (2017). We therefore

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Mary Kay Holthus, District Judge  
Emily K. Strand  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk