IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ORVILLE SAMUAL CURTIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81081-COA

ORDER OF REVERSAL AND REMAND

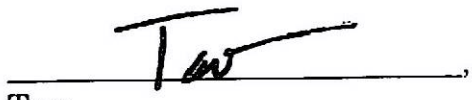
Orville Samual Curtis appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 1, 2019. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Curtis contends the district court erred by denying his claims of ineffective assistance of trial counsel. The district court denied Curtis's claims on the ground that they were barred by NRS 34.810 because he could have raised these claims in a prior proceeding. Claims of ineffective assistance of counsel are properly raised for the first time in a first, timely postconviction petition for a writ of habeas corpus. *Pellegrini v. State*, 117 Nev. 860, 883, 34 P.3d 519, 535 (2001), *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423 n.12, 423 P.3d 1084, 1098 n.12 (2018). Because this is Curtis's first, timely postconviction petition, we conclude the district court erred by denying his claims of ineffective assistance as procedurally barred by NRS 34.810. We therefore reverse the district court's decision and remand this matter for the district court to consider the merits of Curtis's claims.

Further, the district court's order did not include specific findings of fact to support its conclusions of law in regard to Curtis's claims that he received ineffective assistance of appellate counsel. NRS 34.830(1) requires the district court's order include specific findings of fact and conclusions of law for all claims raised in the petition. *See also* NRAP 4(b)(5)(B). Therefore, the district court's order finally disposing of Curtis's petition shall include specific findings of fact and conclusions of law for all claims raised. For the foregoing reasons, we

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

_____, C.J.
Gibbons



_____, J.
Tao

_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Orville Samual Curtis
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk