

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMAAR J. WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44779

FILED

JUN 01 2005

ORDER OF AFFIRMANCE

JANETTE 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 Jamaar J. Williams' post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

On April 30, 2002, the district court convicted Williams, pursuant to a jury verdict, of one count of first-degree murder with the use of a deadly weapon, three counts of attempted murder with the use of a deadly weapon, and one count of conspiracy to commit murder. The district court sentenced Williams to serve two consecutive terms of life in the Nevada State Prison with the possibility of parole after twenty years for the murder count; two consecutive terms of 53 to 240 months for each attempted murder count; and a term of 26 to 120 months for the conspiracy count. Aside from the sentence for conspiracy, all terms were imposed to run consecutively. This court affirmed Williams' judgment of conviction and sentence on appeal.¹ The remittitur issued on November 12, 2003.

¹Williams v. State, Docket No. 39651 (Order of Affirmance, October 16, 2003).

On November 10, 2004, Williams filed a motion for enlargement of time in which to file a post-conviction petition for a writ of habeas corpus in the district court. In his motion, Williams contended that he only recently learned that his direct appeal had been decided, and his attorney had yet to hand over his case file. On December 7, 2004, the district court granted Williams' motion and permitted him 30 additional days in which to file his post-conviction petition for a writ of habeas corpus.²

On November 19, 2004, Williams filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. On January 25, 2005, Williams filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Williams or to conduct an evidentiary hearing. On March 4, 2005, the district court denied Williams' petition. This appeal followed.

In his petition, Williams contended that his due process rights were violated. In support of this claim, Williams stated that his appellate counsel failed to turn over his file and did not notify him when his direct appeal was resolved. Williams further requested that counsel be appointed to represent him in his post-conviction proceeding.

We conclude that the district court did not err in denying Williams' petition. Williams failed to include sufficient facts to support his claim for relief.³ To the extent that Williams argued that his appellate


²We conclude that the district court did not abuse its discretion in determining that Williams demonstrated good cause to file a late petition. See Colley v. State, 105 Nev. 235, 773 P.2d 1229 (1989).


³See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

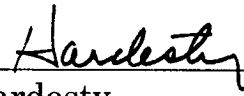
counsel was ineffective, he did not establish that his counsel's actions prejudiced his direct appeal.⁴ Finally, the district court did not err in declining to appoint counsel to represent Williams.⁵

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Williams is not entitled to relief and that briefing and oral argument are unwarranted.⁶ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Michael A. Cherry, District Judge
Jamaar J. Williams
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Strickland v. Washington, 466 U.S. 668 (1984); Kirksey v. State, 112 Nev. 980, 923 P.2d 1102 (1996).

⁵See NRS 34.750.

⁶See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).