

IN THE SUPREME COURT OF THE STATE OF NEVADA

EVERETT WALKER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46083

**FILED**

MAR 24 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
JY *J. Arrells*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

On September 17, 2003, the district court convicted appellant, pursuant to a jury verdict, of burglary, battery with the intent to commit a crime, five counts of sexual assault with the use of a deadly weapon, and robbery with the use of a deadly weapon. The district court sentenced appellant to serve combined terms of life in the Nevada State Prison with the possibility of parole after a minimum of fifty years and seven months, plus a special sentence of lifetime supervision. This court upheld appellant's conviction on direct appeal but remanded the matter with instructions to the district court to correct a clerical error indicating that appellant had been convicted pursuant to a guilty plea, rather than a jury verdict.<sup>1</sup> The remittitur issued on November 30, 2004. On December 7,

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<sup>1</sup>Walker v. State, Docket No. 42222 (Order Affirming and Remanding for Correction of Judgment of Conviction, November 4, 2004).

2004, pursuant to this court's order, the district court amended the judgment of conviction to indicate that appellant was convicted pursuant to a jury verdict, not a guilty plea.

On June 14, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On October 31, 2005, the district court denied appellant's petition. This appeal followed.

Appellant first claimed that the physical evidence contradicted the victim's testimony, and that the evidence was therefore insufficient to support his conviction. This claim should have been brought in appellant's direct appeal, and the claim is waived absent a demonstration of good cause and prejudice.<sup>2</sup> Appellant raised no facts to show either good cause or prejudice. Accordingly, we conclude the district court did not err in denying this claim.

Appellant also claimed he received ineffective assistance of counsel. To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction, a petitioner must demonstrate that counsel's performance was deficient in that it fell below an objective standard of reasonableness, and prejudice such that counsel's errors were so severe that they rendered the jury's verdict unreliable.<sup>3</sup> The court need

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<sup>2</sup>NRS 34.810(1)(b)(3).

<sup>3</sup>Strickland v. Washington, 466 U.S. 668 (1984); Warden v. Lyons, 100 Nev. 430, 683 P.2d 504 (1984).

not address both components of the inquiry if the petitioner makes an insufficient showing on either one.<sup>4</sup>

Appellant claimed counsel was ineffective for failing to interview the victim or "any other witnesses." Appellant failed to demonstrate counsel's performance was deficient. Appellant failed to state what an interview of the victim by counsel would have accomplished or how counsel's failure rendered the jury's verdict unreliable. A petitioner is not entitled to an evidentiary hearing on "bare" or "naked" claims for relief that are unsupported by any specific factual allegations.<sup>5</sup> Further, appellant failed to state what "other witnesses" counsel should have interviewed and what evidence would have been obtained through such interviews.<sup>6</sup> Accordingly, we conclude the district court did not err in denying this claim.

Appellant next contended counsel was ineffective for failing to challenge the State's evidence and for failing to investigate. Appellant failed to state what evidence counsel should have challenged or on what grounds. Appellant also failed to demonstrate what actions counsel should have taken to investigate and what those actions would have uncovered.<sup>7</sup> Accordingly, we conclude the district court did not err in denying these claims.

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<sup>4</sup>Strickland, 466 U.S. at 697.


<sup>5</sup>Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).


<sup>6</sup>See id.

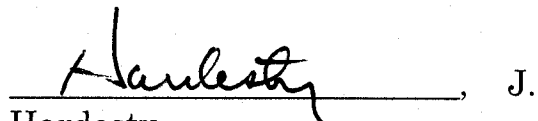
<sup>7</sup>See id.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>8</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.

Maupin  
 J.  
Gibbons

 J.  
Hardesty

cc: Hon. Jennifer Togliatti, District Judge  
Everett Walker  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>8</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).