

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELDEN FRANK DELP,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46349

**FILED**

JUN 28 2006

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 dismissing appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On November 5, 2004, in case number 04-C203159, the district court convicted appellant, pursuant to a guilty plea, of coercion (sexually motivated) and violation of lifetime supervision.<sup>1</sup> The district court sentenced appellant to serve two concurrent terms of twenty-eight to seventy-two months in the Nevada State Prison. No direct appeal was taken.

On August 25, 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

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<sup>1</sup>This count was apparently in relation to Clark County District Court case number 97-C146551, in which, on April 16, 1998, appellant was convicted, pursuant to a guilty plea, of lewdness with a child under the age of fourteen.

district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On November 1, 2005, the district court dismissed appellant's petition. This appeal followed.

In the instant petition, appellant claimed his guilty plea was not valid and he received ineffective assistance of counsel. Each claim is based on the propriety of the lifetime supervision sentence. Because lifetime supervision was not imposed in this case, it is clear that the claims relate to appellant's conviction in case number 97-C146551, in which appellant was sentenced to lifetime supervision. Appellant challenged this conviction in a post-conviction petition for a writ of habeas corpus, which was denied by Judge Leavitt on February 3, 2006. Appellant did not appeal Judge Leavitt's order denying the petition. Any claims relating to the conviction in 97-C146551 were improperly raised in the instant petition. To the extent appellant may have been claiming his counsel in case number 04-C203159 was ineffective for failing to file a direct appeal, appellant failed to state sufficient facts to support his claim that he timely requested counsel file a direct appeal of this conviction.<sup>2</sup> Accordingly, the district court did not err in dismissing appellant's petition.<sup>3</sup>

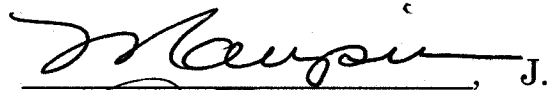
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<sup>2</sup>See Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) (holding that a petitioner is not entitled to an evidentiary hearing on "bare" or "naked" claims for relief that are unsupported by any specific factual allegations).

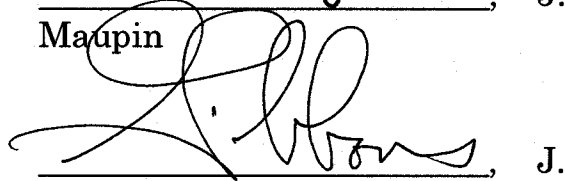
<sup>3</sup>Although the district court attempted to reach the merits of appellant's claims, this court may affirm the district court's decision on  
*continued on next page . . .*

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>4</sup> Accordingly, we

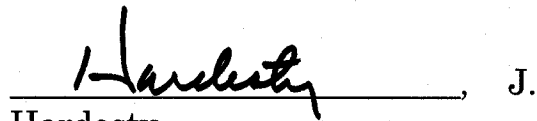
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge  
Elden Frank Delp  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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*... continued*

grounds different from those relied upon by the district court. See Milender v. Marcum, 110 Nev. 972, 977, 879 P.2d 748, 751 (1994).

<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).