

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAIGA HRALIMA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47928

FILED

FEB 05 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

On July 16, 2003, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted murder with the use of a deadly weapon. The district court sentenced appellant to serve two consecutive terms of 43 to 192 months in the Nevada State Prison. This court affirmed appellant's judgment of conviction and sentence on appeal.¹ The remittitur issued on February 24, 2004.

On March 7, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. 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 July 12, 2006, the district court denied appellant's petition. This appeal followed.

¹Hralima v. State, Docket No. 41920 (Order of Affirmance, January 27, 2004).

Appellant filed his petition more than two years after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.² Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.³

In an attempt to demonstrate cause for the delay, appellant argued that he had received ineffective assistance of counsel and was incompetent throughout the proceedings. Appellant further claimed that his petition was based upon evidence that was not known to him until December 2005.

Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant had failed to demonstrate cause for the delay. Appellant failed to demonstrate that an impediment external to the defense excused his late petition.⁴ Appellant failed to indicate what evidence was not known to him until December 2005, and thus, he failed to demonstrate that the alleged lack of evidence prevented him from filing a petition within the one-year period for filing a timely post-conviction petition for a writ of habeas corpus.⁵ Appellant further failed to demonstrate that any claims of ineffective assistance of counsel prevented him from filing a timely petition.⁶ Finally, the record indicates that the district court found appellant competent for

²See NRS 34.726(1).

³See id.

⁴See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

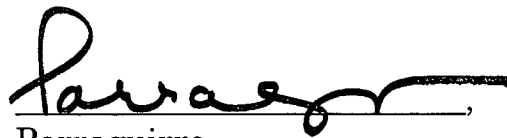
⁵See Hathaway v. State, 119 Nev. 248, 71 P.3d 503 (2003).

⁶See id.


trial, and appellant failed to demonstrate that a lack of competency contributed to his late petition. Therefore, we affirm the order of the district court denying the petition as procedurally time barred.

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.⁷ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁸

 J.
Parraguirre

 J.
Hardesty

 J.
Saitta

⁷See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁸We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Jerome Polaha, District Judge
Maiga Hralima
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk