IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON EVAN BROWNE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47992

FILED

MAY 24 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

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; Michael A. Cherry, Judge.

On March 3, 1996, the district court convicted appellant, pursuant to a jury verdict, of first-degree murder. Appellant received a sentence of death. This court affirmed the judgment of conviction and sentence of death on direct appeal.[1]

Appellant filed a post-conviction petition for a writ of habeas corpus. The district court granted appellant's petition in part, granting appellant a new penalty hearing, and denied the remainder of appellant's petition. This court affirmed the district court's order on appeal.[2]

On June 24, 2004, appellant and the State entered a sentencing agreement. On August 25, 2004, the district court entered a

[1]Browne v. State, 113 Nev. 305, 933 P.2d 187 (1997).

[2]State v. Browne, Docket No. 33769 (Order Dismissing Appeal and Cross-Appeal, April 27, 2000).

new judgment of conviction and sentenced appellant to a term of life in the Nevada State Prison without the possibility of parole. This court affirmed the sentence on appeal.[3] The remittitur issued on November 15, 2005.

On April 25, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed and moved to dismiss 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 August 17, 2006, the district court dismissed appellant's petition. This appeal followed.

In his petition, appellant claimed that his Sixth, Eighth and Fourteenth Amendment rights to due process of law, effective counsel and "punishment and sentence" had been violated. Appellant made no specific factual allegations and did not present any facts to support his claims. To the extent that appellant challenged the entry of the sentencing agreement and his counsel's effectiveness during his second penalty hearing and on appeal from entry of the new sentence, appellant's petition contained only bare and naked claims for relief that were unsupported by any specific factual allegations.[4] To the extent that appellant attempted to challenge his judgment of conviction and the effectiveness of counsel during his prior proceedings, appellant was procedurally barred from raising these claims absent a demonstration of good cause and prejudice,[5]

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[3]Browne v. State, Docket No. 44008 (Order of Affirmance, October 18, 2005).

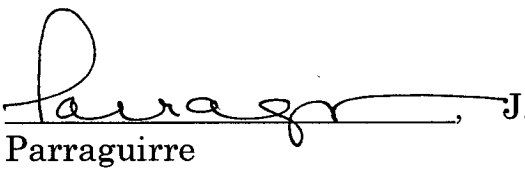
[4]See Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

[5]See NRS 34.726; NRS 34.810(1)(b), (3).

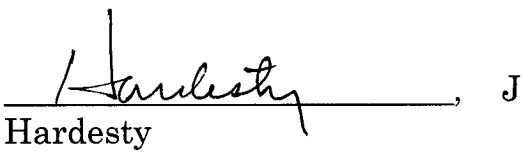
and appellant made no attempt to excuse his procedural defects. Accordingly, we conclude the district court did not err in dismissing appellant's petition.

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.[6] Accordingly, we

ORDER the judgment of the district court AFFIRMED.[7]



_____, J.
Parraguirre



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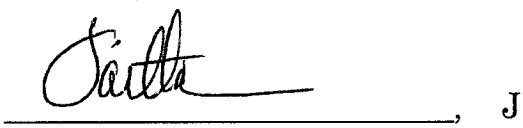

_____, J.
Saitta

cc: Eighth Judicial District Court Dept. 17, District Judge
Jason Evan Browne
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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

[7]We 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.