

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRYSTAL HICKMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50484

FILED

MAR 10 2008

ORDER OF AFFIRMANCE.

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

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. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

On February 10, 2005, the district court convicted appellant, pursuant to a guilty plea, of robbery. The district court sentenced appellant to serve a term of 24 to 100 months in the Nevada State Prison. This court affirmed appellant's judgment of conviction and sentence.¹ The remittitur issued on August 22, 2006.

On September 7, 2007, 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 September 26, 2007 the district court denied appellant's petition. This appeal followed.

Appellant filed her petition more than one year after this court issued the remittitur from her direct appeal. Thus, appellant's petition

¹Hickman v. State, Docket No. 46714 (Order of Affirmance, July 27, 2006).

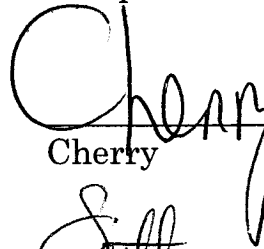
was untimely filed.² Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.³ Notably, this court has refused to apply the prison mailbox rule to the filing of habeas corpus petitions.⁴ Appellant failed to either acknowledge or offer any cause for her delay in filing the instant petition. Therefore, we conclude that the district court did not err in denying 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.⁵ Accordingly, we


ORDER the judgment of the district court AFFIRMED.

 _____, J.

Maupin

 _____, J.

Cherry

 _____, J.

Saitta

²See NRS 34.726(1).

³See *id.*

⁴*Gonzales v. State*, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002) (refusing to accept as timely a petition filed one year and two days after this court issued the remittitur).

⁵See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Steven P. Elliott, District Judge
Crystal Hickman
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk