

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUCAS DARNELL CROCKETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50808

FILED

APR 24 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.

On February 24, 2005, the district court convicted appellant, pursuant to a jury verdict, of one count of burglary while in possession of a firearm, four counts of robbery with the use of a deadly weapon, and one count of conspiracy to commit robbery. The district court sentenced appellant to serve a total of 6 to 24 years in the Nevada State Prison. This court affirmed the judgment of conviction on direct appeal.¹ The remittitur issued on April 11, 2006.

On August 16, 2007, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State filed a motion to dismiss the petition, arguing that the petition was untimely filed. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an

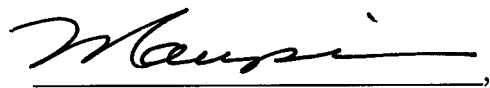
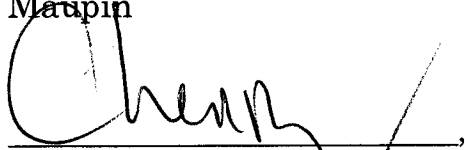
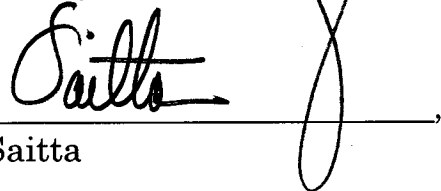
¹Crockett v. State, Docket No. 44829 (Order of Affirmance, March 16, 2006).

evidentiary hearing. On November 28, 2007, the district court dismissed appellant's petition. This appeal followed.

Appellant filed his petition more than one year 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 Appellant did not set forth any good cause on the face of his petition or file a reply to the State's motion to dismiss the petition. Therefore, we conclude that the district court did not err in dismissing the petition as procedurally 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.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Maupin

_____, J.
Cherry

_____, J.
Saitta

²See NRS 34.726(1).

³See *id.*

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

cc: Hon. Sally L. Loehrer, District Judge
Lucas Darnell Crockett
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk