

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JOE ABRAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53359

FILED

NOV 05 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

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


On April 29, 2008, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted theft. The district court sentenced appellant to serve a term of 14 to 48 months in the Nevada State Prison. The district court suspended the sentence and imposed a term of probation not to exceed 4 years. No direct appeal was taken. On August 20, 2008, the district court entered an order revoking probation, executing the original sentence and providing appellant with 70 days of credit for time served. No appeal was taken.

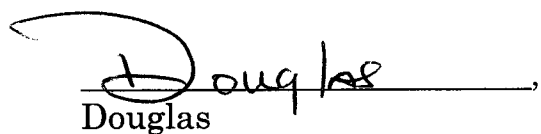
On November 13, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On March 5, 2009, the district court denied appellant's petition. This appeal followed.

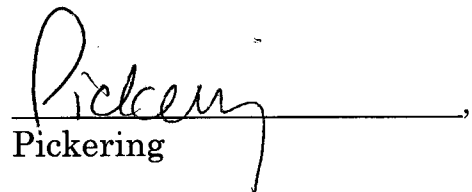
In his petition, appellant appeared to challenge the revocation of probation. However, appellant failed to support his allegations with specific facts, not belied by the record, demonstrating that he was entitled to relief. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). Appellant stipulated to the violation of the conditions of probation, and appellant failed to demonstrate that the district court abused its discretion in revoking probation. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). Therefore, we conclude that the district court did not err in denying the 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. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Valerie Adair, District Judge
Michael Joe Abrams
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk