

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER G. WILLIAMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57849

**FILED**

JUN 13 2012

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Handwritten Signature*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an 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; Valorie J. Vega, Judge.

Appellant filed his petition on December 14, 2009, more than eight years after this court's April 30, 2001, issuance of the remittitur from his direct appeal. See Williams v. State, Docket No. 32253 (Order Dismissing Appeal, June 9, 2000). Appellant's petition was therefore untimely filed. See NRS 34.726(1). Appellant's petition was also an abuse of the writ because it raised claims different from those raised on direct appeal and in his prior post-conviction petition for a writ of habeas corpus.<sup>1</sup> 34.810(1)(b)(2); NRS 34.810(2). Appellant's petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3). Further, because the State specifically pleaded laches, appellant was


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<sup>1</sup>Williams v. State, Docket No. 39426 (Order of Affirmance, December 10, 2002).

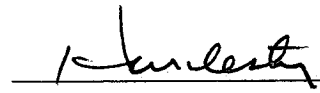
required to overcome the presumption of prejudice to the State. See NRS 34.800(2).

On appeal, appellant does not attempt to argue that he has good cause or that he has suffered actual prejudice so as to excuse his procedural defaults. To the extent that appellant's briefs could be read to argue this court's decision in Nika v. State, 124 Nev. 1272, 198 P.3d 839 (2008), afforded good cause to excuse the defaults, appellant failed to provide this court with complete trial transcripts such that he could not have demonstrated actual prejudice.<sup>2</sup> See Greene v. State, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) ("The burden to make a proper appellate record rests on appellant."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

<sup>2</sup>This court concluded on direct appeal that "[t]he evidence is clearly sufficient to establish deliberation and premeditation on Williams's part." Williams v. State, Docket No. 32253 (Order Dismissing Appeal at 7, June 9, 2000).

<sup>3</sup>To the extent the district court reached the merits of appellant's petition, we note that application of the procedural default rules is mandatory. State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). We nevertheless affirm the district court's decision for the reasons stated above. See Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason).

cc: Hon. Valorie J. Vega, District Judge  
Michael H. Schwarz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk