

IN THE SUPREME COURT OF THE STATE OF NEVADA

DA'VAN EVANS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60417

**FILED**

NOV 15 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Anderson  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant filed his petition on November 21, 2011, more than four years after entry of the judgment of conviction on April 20, 2007.<sup>2</sup> Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See id.

In an attempt to overcome the procedural time bar, appellant claimed that his trial counsel informed him that he could not file a direct appeal following a guilty plea. This failed to explain the four-year delay in filing the post-conviction petition for a writ of habeas corpus. See

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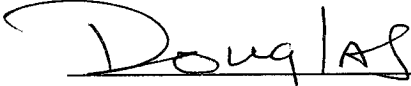
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

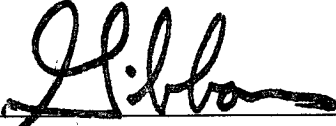
<sup>2</sup>No direct appeal was taken.

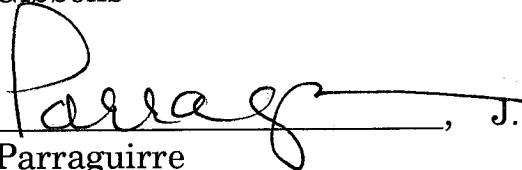
Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003).

Therefore, the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 \_\_\_\_\_, J.  
Douglas

 \_\_\_\_\_, J.  
Gibbons

 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Valerie Adair, District Judge  
Da'Van Evans  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk