

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD LEE HALVERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61005

FILED

FEB 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
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.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant filed his petition on January 5, 2012, 3 years after the filing of his judgment of conviction on January 21, 2009.² Appellant's

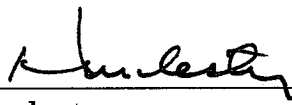
¹Appellant's petition was not styled a post-conviction petition for a writ of habeas corpus, nor did it conform with the requirements of NRS 34.735. However, appellant challenged the validity of the charging documents and thus his judgment of conviction, and such claims may only be raised in post-conviction petitions for a writ of habeas corpus. NRS 34.724. The district court therefore properly construed his petition as a post-conviction petition for a writ of habeas corpus.

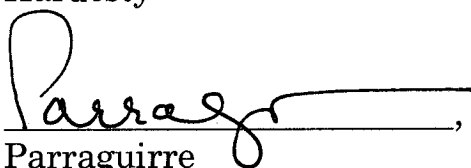
This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

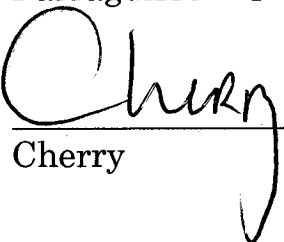
²No direct appeal was taken. An amended judgment of conviction was filed on August 20, 2009, but none of the claims raised in appellant's petition were relevant to those changes. See Sullivan v. State, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

petition was therefore untimely filed and, accordingly, was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See NRS 34.726(1). Appellant offered no argument or explanation as to why he could not have filed his petition within a year of the filing of the judgment of conviction. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. David B. Barker, District Judge
Edward Lee Halverson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk