

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 62871

FILED

JAN 16 2014

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.<sup>1</sup> Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

Appellant filed his petition on December 11, 2012, more than 11 years after issuance of the remittitur on direct appeal on April 30, 2001. *Williams v. State*, Docket No. 32253 (Order Dismissing Appeal, June 9, 2000). Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was successive because he had previously filed two post-conviction petitions for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and

---

<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).

different from those raised in his previous petitions.<sup>2</sup> See NRS 34.810(1)(b)(2); NRS 34.810(2). Appellant's petition was 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). Moreover, because the State specifically pleaded laches, appellant was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2).

To overcome the procedural bars, appellant first claimed that *Miller v. Alabama*, 567 U.S. \_\_\_, 132 S. Ct. 2455 (2012), provided good cause to challenge his sentence. Appellant's claim was without merit. In *Miller*, the Supreme Court determined that the Eighth Amendment barred mandatory life-without-parole sentences for juvenile offenders. 567 U.S. at \_\_\_, 132 S. Ct. at 2469. Appellant did not face a mandatory life-without-parole sentence, 1989 Nev. Stat., ch. 408, § 1, at 865-66 (former NRS 200.030), and therefore, the *Miller* decision had no bearing on appellant's sentence and did not provide good cause.

Second, appellant claimed that his sentence of life without the possibility of parole is a "de facto" death sentence and that juvenile offenders cannot receive a death sentence as stated in *Roper v. Simmons*, 543 U.S. 551 (2005). *Roper* did not provide good cause for appellant's petition because that decision was issued approximately seven years before appellant filed his petition and appellant did not explain his delay in raising a claim based on *Roper*. In addition, appellant failed to

---

<sup>2</sup>*Williams v. State*, Docket No. 57849 (Order of Affirmance, June 13, 2012); *Williams v. State*, Docket No. 39426 (Order of Affirmance, December 10, 2002).

demonstrate that his sentence is equivalent to a death sentence, and therefore, he failed to demonstrate prejudice related to this claim.

Finally, appellant failed to overcome the presumption of prejudice to the State. Accordingly, the district court did not err in dismissing the petition as procedurally barred.

Having concluded that appellant is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Valorie J. Vega, District Judge  
Christopher G. Williams  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<sup>3</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.