

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHNNY YARNELL WILLIAMS,

No. 35957

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

NOV 20 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On January 29, 1987, the district court convicted appellant, pursuant to a jury verdict, of four counts of kidnapping in the first degree with the use of a deadly weapon. On direct appeal, this court determined that appellant was improperly convicted on two of the kidnapping counts, vacated that portion of the judgment of conviction, and remanded the case for resentencing.<sup>1</sup> On remand, the district court sentenced appellant to serve four consecutive terms of twenty-five years in the Nevada State Prison. This court dismissed appellant's appeal from the second judgment of conviction and sentence.<sup>2</sup> The remittitur issued on January 18, 1989.

On July 17, 1990, appellant filed a petition for post-conviction relief pursuant to former NRS 177.315. The district court dismissed

<sup>1</sup>Williams v. State, Docket No. 17849 (Order of Remand, September 23, 1987).

<sup>2</sup>Williams v. State, Docket No. 18931 (Order Dismissing Appeal, December 29, 1988).

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appellant's petition. This court dismissed appellant's subsequent appeal, concluding his petition was untimely and he had failed to demonstrate good cause for the delay.<sup>3</sup>

On April 9, 1992, appellant filed a post-conviction petition for a writ of habeas corpus in the district court. The district court dismissed appellant's petition, and this court dismissed appellant's appeal.<sup>4</sup>

On June 11, 1997, appellant filed a second proper person post-conviction petition for a writ of habeas corpus in the district court. The district court dismissed appellant's petition as procedurally barred. We dismissed appellant's appeal on the same grounds.<sup>5</sup>

On February 7, 2000, appellant filed the instant proper person post-conviction petition for a writ of habeas corpus in the district court. 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 30, 2000, the district court denied appellant's petition. This appeal followed.

Appellant filed his petition more than twelve years after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.<sup>6</sup> Moreover, appellant's petition was successive because he had previously filed three petitions for post-conviction relief.<sup>7</sup> Appellant's petition was procedurally barred absent a demonstration of

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<sup>3</sup>Williams v. State, Docket No. 21723 (Order Dismissing Appeal, November 5, 1991).

<sup>4</sup>Williams v. State, Docket No. 27287 (Order Dismissing Appeal, June 22, 1998).

<sup>5</sup>Williams v. State, Docket No. 31230 (Order Dismissing Appeal, May 13, 1999).


<sup>6</sup>See NRS 34.726(1).


<sup>7</sup>See NRS 34.810(2).


good cause and prejudice.<sup>8</sup> Appellant made no attempt to excuse his procedural defects. Therefore, the district court did not err in denying appellant's 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.<sup>9</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Young

 J.  
Agosti

 J.  
Leavitt

cc: Hon. Janet J. Berry, District Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Johnny Yarnell Williams  
Washoe County Clerk

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<sup>8</sup>See id.

<sup>9</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).