

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JARAMIE DEAN WOMACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67077

**FILED**

APR 14 2015

TRACIE K. LINDAMAN  
CLERK OF SUPREME COURT

BY *Tracie Lindaman*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Appellant Jaramie Womack filed his petition on August 12, 2014,<sup>2</sup> 14 years after entry of the judgment of conviction on June 14, 2000. The district court denied the petition as procedurally barred. The district court found that Womack's petition was untimely filed. See NRS 34.726(1). The court further found that Womack's petition was successive because he had previously filed multiple post-conviction petitions for a writ of habeas corpus, and it constituted an abuse of the writ as he raised


<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 *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

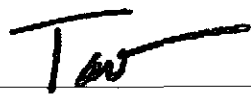
<sup>2</sup>On this date, Womack filed a motion to withdraw his guilty plea. Pursuant to *Harris v. State*, 130 Nev. \_\_\_, \_\_\_, 329 P.3d 619, 628 (2014), the district court construed the motion as a post-conviction petition for a writ of habeas corpus that is subject to the requirements of NRS Chapter 34.

15-900406

claims new and different from those raised in his previous petitions.<sup>3</sup> See NRS 34.810(2). The district court concluded that Womack's claim of actual innocence lacked merit and he otherwise failed to demonstrate good cause and actual prejudice to overcome the procedural bars. See NRS 34.726(1); NRS 34.810(3); *Pellegrini v. State*, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001). Finally, the district court noted that the State specifically pleaded laches and Womack failed to overcome the rebuttable presumption of prejudice. See NRS 34.800(2). We conclude that the district court did not err by denying Womack's petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

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<sup>3</sup>See *Womack v. State*, Docket Nos. 38364 and 38617 (Order of Affirmance, July 3, 2002).

<sup>4</sup>We have reviewed all documents that Womack has submitted 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 Womack 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.

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Jaramie Dean Womack  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk