

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL EUGENE ABRAHAM,

No. 36336

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 06 2001

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing a post-conviction petition for a writ of habeas corpus.

On November 9, 1993, the district court convicted appellant Samuel Eugene Abraham, pursuant to a jury verdict, of four counts of sexual assault with the use of a deadly weapon. The district court sentenced Abraham to serve eight consecutive terms of life in prison. On appeal, this court affirmed the judgment of conviction.¹ The remittitur issued on July 18, 1995.

On March 23, 2000, Abraham filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition and moved to dismiss the petition because it was not verified, was not in the proper form, did not name the individual who had Abraham in custody, was not served upon the appropriate individuals, was untimely, and raised issues that could have been raised on direct appeal. Moreover, the State specifically pleaded laches. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Abraham or to conduct an evidentiary hearing. On June 7, 2000, the district court dismissed the petition because, among other things, it was not verified. This appeal followed.

Abraham's petition was not verified as required by NRS 34.730(1). NRS 34.730(1) provides that "[a] petition must be verified by

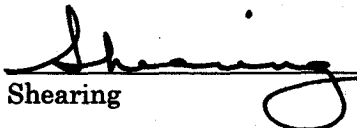
¹Abraham v. State, Docket No. 25256 (Order Dismissing Appeal, June 27, 1995).

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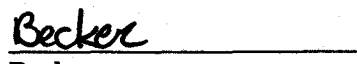
the petitioner or his counsel." An unverified petition is not cognizable.² Therefore, we conclude that the district court did not err in dismissing the petition.

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.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

cc: Hon. John S. McGroarty, District Judge
Attorney General/Carson City
Clark County District Attorney
Samuel Eugene Abraham
Clark County Clerk

²See Sheriff v. Scalo, 96 Nev. 776, 616 P.2d 402 (1980).

³See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁴We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.