

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALQUANDRE TURNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70241

**FILED**

DEC 14 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Alquandre Turner appeals from a district court order denying his postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Turner challenges the district court's determination that his petition was procedurally barred and claims he was entitled to an evidentiary hearing.<sup>1</sup>

The district court found that Turner's March 30, 2009, petition was procedurally barred because it was filed more than a year after the remittitur was issued on direct appeal on May 2, 2007, and Turner failed to demonstrate the good cause and actual prejudice necessary to overcome the procedural bar. *See* NRS 34.726(1).

The record supports the district court's findings and we conclude the district court did not err by denying Turner's petition without


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<sup>1</sup>Turner also claims that Senior District Judge Lee Gates ruled on the timeliness of his habeas petition and granted his request for an evidentiary hearing. These claims are plainly belied by the record.

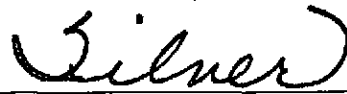
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an evidentiary hearing. See NRS 34.770(2); *Brown v. McDaniel*, 130 Nev. \_\_\_, \_\_\_, 331 P.3d 867, 870-74 (2014); *Rubio v. State*, 124 Nev. 1032, 1046 & n.53, 194 P.3d 1224, 1233-34 & n.53 (2008); *Sullivan v. State*, 120 Nev. 537, 542 n.14, 96 P.3d 762, 765 n.14 (2004); *Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Bush Law Group, LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk