

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARIYA MANOI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74778

FILED

OCT 25 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ariya Manoi appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 31, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Manoi filed his petition more than one year after entry of the judgment of conviction on July 6, 2016.<sup>2</sup> Thus, Manoi's petition was untimely filed.<sup>3</sup> See NRS 34.726(1). Manoi's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

Manoi conceded his petition was not timely filed, but argued his claim implicated the jurisdiction of the district court and his claim could be

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


<sup>2</sup>No direct appeal was taken.

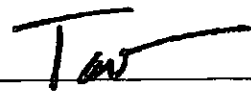
<sup>3</sup>It appears Manoi attempted to file his petition on July 31, 2017, but it was returned unfiled because he was represented by counsel. Even had Manoi's petition been filed on July 31, 2017, his petition would still have been untimely.


raised at any time. Specifically, Manoi claimed the district court lacked jurisdiction over his case because attempted murder is not defined by statute, and therefore, the complaint that charged him with attempted murder was defective.

Manoi failed to demonstrate his claim implicated the jurisdiction of the district court. *See* Nev. Const. art. 6, § 6; NRS 171.010. Attempted murder is adequately defined by statute, *see* NRS 193.330(1); NRS 200.030(1), and therefore, the complaint was not defective. Accordingly, we conclude the district court did not err by denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Stefany Miley, District Judge  
Ariya Manoi  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk