

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANINE M. HILLMAN,

No. 37115

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

DEC 17 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 March 11, 1988, the district court convicted appellant, pursuant to a jury verdict, of one count each of first-degree murder with the use of a deadly weapon and robbery with the use of a deadly weapon and three counts of uttering a forged instrument. The district court sentenced appellant to two consecutive terms of life without the possibility of parole for murder and concurrent determinate terms for the remaining counts. This court dismissed appellant's appeal from her judgment of conviction and sentence.<sup>1</sup> The remittitur issued on January 18, 1989.

On January 2, 1990, appellant filed a petition for post-conviction relief pursuant to former NRS 177.315 in the district court. The State opposed the petition. Following an evidentiary hearing, the district court denied appellant's petition. This court dismissed appellant's subsequent appeal.<sup>2</sup>

On September 27, 1999, appellant filed a 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

<sup>1</sup>Hillman v. State, Docket No. 19114 (Order Dismissing Appeal, December 27, 1988).

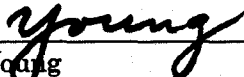
<sup>2</sup>Hillman v. State, Docket No. 25032 (Order Dismissing Appeal, September 24, 1996).

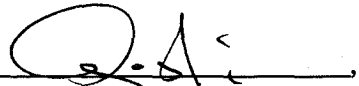
November 16, 2000, the district court denied appellant's petition. This appeal followed.


Appellant filed her petition more than twelve years after this court issued the remittitur from her direct appeal. Thus, appellant's petition was untimely filed.<sup>3</sup> Moreover, appellant's petition was successive because she had previously filed a petition for post-conviction relief.<sup>4</sup> Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.<sup>5</sup> Appellant offered no viable justification for her delay in filing the instant petition or for raising the same claims again.<sup>6</sup> Therefore, the district court properly denied 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>7</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_  
Young J.

  
\_\_\_\_\_  
Agosti J.

  
\_\_\_\_\_  
Leavitt J.

cc: Hon. Charles M. McGee, District Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Janine M. Hillman  
Washoe County Clerk

<sup>3</sup>See NRS 34.726(1).

<sup>4</sup>See NRS 34.810(2).

<sup>5</sup>See NRS 34.726(1); NRS 34.810(3).

<sup>6</sup>See Lozada v. State, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994) ("To establish good cause to excuse a procedural default, a defendant must demonstrate that some impediment external to the defense prevented him from complying with the procedural rule that has been violated.").

<sup>7</sup>See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).