

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROCHLON KAREEM HAMILTON
A/K/A ROCHSHAWN HAMELTON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37514

FILED

JAN 02 2002

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 September 30, 1998, the district court convicted appellant, pursuant to a guilty plea, of robbery (count I) and burglary (count II). The district court sentenced appellant to serve a term of twelve years for count I and a consecutive term of four years for count II in the Nevada State Prison. This court dismissed appellant's appeal from his judgment of conviction and sentence.¹ The remittitur issued on July 7, 1999.

On September 22, 1999, appellant filed a proper person "notice of appeal: for post conviction" in the district court. The district court transmitted this document to this court. On October 21, 1999, this court dismissed appellant's appeal without prejudice for his right to file a post-conviction petition for a writ of habeas corpus in compliance with NRS 34.720 to 34.830 in the district court.²

On October 18, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to

¹Hamilton v. State, Docket No. 33273 (Order Dismissing Appeal, June 10, 1999).


²Hamilton v. State, Docket No. 34891 (Order Dismissing Appeal, October 21, 1999).

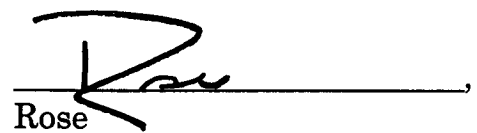
conduct an evidentiary hearing. On January 29, 2001, the district court denied appellant's petition. This appeal followed.

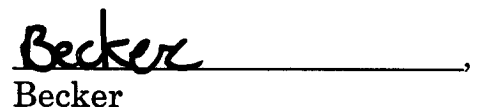
Appellant filed his petition more than one year after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.³ Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.⁴ Appellant did not attempt to demonstrate cause for the delay. We conclude that the district court did not err in denying 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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Mark W. Gibbons, District Judge
Attorney General/Carson City
Clark County District Attorney
Rochlon Kareem Hamilton
Clark County Clerk

³See NRS 34.726(1); see also Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998) (holding that the one year period for filing a timely petition "begins to run from the issuance of the remittitur from a timely direct appeal to this court from the judgment of conviction").

⁴See id.

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).