

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDY ROY HOWARD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 38961

FILED

JUL 22 2002

ORDER OF AFFIRMANCE

JANE LEE M. BLOOM  
CLERK OF SUPREME COURT  
BY *Richard*  
CHIEF DEPUTY CLERK

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 August 28, 1987, the district court convicted appellant, pursuant to a guilty plea, of one count of first degree murder. The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole. No direct appeal was taken.

On November 27, 2001, 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 December 7, 2001, the district court denied appellant's petition. This appeal followed.

Appellant filed his petition more than fourteen years after entry of the judgment of conviction. Thus, appellant's petition was untimely filed.<sup>1</sup> Appellant's petition was procedurally barred absent a

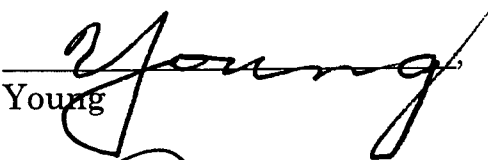
---

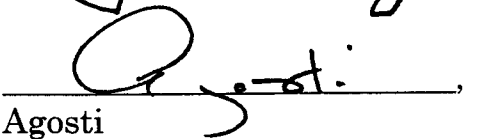
<sup>1</sup>See NRS 34.726(1).

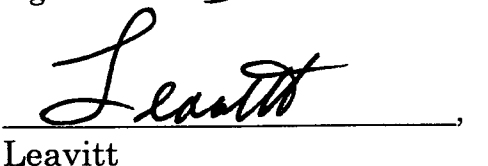
demonstration of cause for the delay and prejudice.<sup>2</sup> Appellant did not attempt to demonstrate cause for the delay. Therefore, we conclude that the district court did not err in determining that appellant's petition was procedurally barred.

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>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Young

 J.  
Agosti

 J.  
Leavitt

cc: Hon. Charles M. McGee, District Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Randy Roy Howard  
Washoe District Court Clerk

---

<sup>2</sup>See id.

<sup>3</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).