

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAURA CAMACHO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59207

FILED

APR 11 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Appellant filed her petition on August 11, 2011, more than one year after entry of the judgment of conviction on September 29, 2009. Appellant claimed that her petition was timely filed from the order revoking probation and amended judgments of conviction.<sup>2</sup> However, because appellant's petition challenged the initial conviction, the correct date for timeliness purposes is the entry of the initial judgment of conviction—September 29, 2009. See Sullivan v. State, 120 Nev. 537, 540-41, 96 P.3d 761, 764 (2004). Thus, appellant's petition was untimely filed and procedurally barred absent a demonstration of cause for the delay and undue prejudice. See NRS 34.726(1). Appellant did not provide an answer

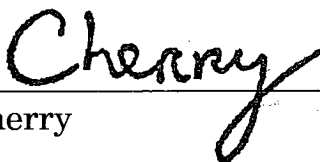
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

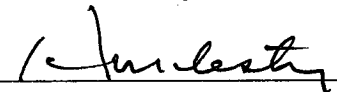
<sup>2</sup>The judgment of conviction was amended on December 23, 2009, to modify a term of probation, and on March 12, 2010, for the purpose of taking a motion to modify off calendar.

for question 19, which directs a petitioner to provide an explanation for a late petition. To the extent that she claimed that she had cause for the delay because she needs an interpreter at times, appellant failed to demonstrate that an alleged language barrier prevented her from filing a timely petition.<sup>3</sup> Therefore, we conclude that the district court did not err in denying the petition as procedurally time-barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

cc: Chief Judge, Eighth Judicial District Court  
Lee A. Gates, Senior Judge  
Laura Camacho  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>3</sup>Notably, appellant did not claim that the facility lacked legal materials in her own language or translation assistance from some source. See Mendoza v. Carey, 449 F.3d 1065, 1070 (9th Cir. 2006) (holding that equitable tolling for a federal petition requires a non-English-speaking petitioner demonstrate that during the time period, the petitioner was unable to procure either legal materials in her own language or translation assistance despite diligent efforts).

<sup>4</sup>We deny appellant's request for the appointment of counsel.