

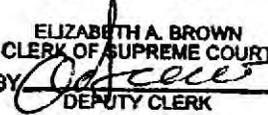
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VALENTINA MONEE KNIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82316-COA

FILED

SEP 13 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Valentina Monee Knight appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Knight filed her petition on August 31, 2020, more than three years after entry of the judgment of conviction on May 1, 2017.¹ Thus, Knight's petition was untimely filed. *See* NRS 34.726(1). Knight's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice.² *See id.*

Knight argued she had good cause because her counsel was ineffective during the trial-level proceedings and she recently discovered the errors committed by counsel. The underlying claims of ineffective assistance of counsel were reasonably available to have been raised during

¹Knight did not pursue a direct appeal.

²The district court filed an amended judgment of conviction on January 17, 2020, but entry of the amended judgment of conviction did not provide good cause because all of the claims Knight raised in the instant petition arose out of the proceedings involving her initial judgment of conviction and could have been raised before the judgment of conviction was amended. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

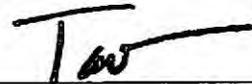
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the timely filing period for a postconviction petition, and Knight did not demonstrate an impediment external to the defense prevented her from raising the claims in a timely manner. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Accordingly, we conclude the district court did not err by denying this good-cause claim.

Knight appears to argue on appeal that the district court erred by denying the petition without conducting an evidentiary hearing concerning her claims of ineffective assistance of counsel. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific allegations that are not belied by the record and, if true, would entitle her to relief. *Rubio v. State*, 124 Nev. 1032, 1046, 194 P.3d 1224, 1233-34 (2008). Because Knight did not demonstrate cause for her delay, she fails to demonstrate the district court erred by declining to conduct an evidentiary hearing concerning her procedurally barred claims. *Id.* at 1046 n.53, 194 P.3d at 1234 n.53 (noting a district court need not conduct an evidentiary hearing concerning claims that are procedurally barred when the petitioner cannot overcome the procedural bars). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 19
Valentina Monee Knight
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk