

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE JOHN WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44475

FILED

MAR 22 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant George White's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On August 30, 1999, the district court convicted White, pursuant to a jury verdict, of two counts of sexual assault on a minor under the age of sixteen, two counts of open and gross lewdness, and one count of lewdness with a minor under the age of fourteen. The district court sentenced White to serve two consecutive terms of life in the Nevada State Prison with the possibility of parole after twenty years for the sexual assault convictions, a consecutive term of life with the possibility of parole after ten years for the lewdness conviction, and lesser concurrent terms for the open and gross lewdness convictions. On appeal, this court reversed White's conviction for lewdness with a minor, but affirmed the remainder

of his judgment of conviction and sentence.¹ The remittitur issued on March 6, 2001.

On September 16, 2004, White filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. White filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent White or to conduct an evidentiary hearing. On December 3, 2004, the district court denied White's petition. This appeal followed.

White filed his petition more than three years after this court issued the remittitur from his direct appeal. Thus, White's petition was untimely filed.² His petition was procedurally barred absent a demonstration of good cause for the delay and prejudice.³

In an attempt to demonstrate good cause, White appeared to argue that his delay was due to the actions of his attorney, as well as "court responses and un-answered mailings." We conclude that White failed to establish that an impediment external to the defense prevented him from filing a timely petition.⁴ Therefore, the district court did not err in denying his petition.

¹White v. State, Docket No. 34828 (Order Affirming in Part, Reversing in Part and Remanding, February 7, 2001). The district court entered an amended judgment of conviction on April 5, 2001.

²See NRS 34.726(1).

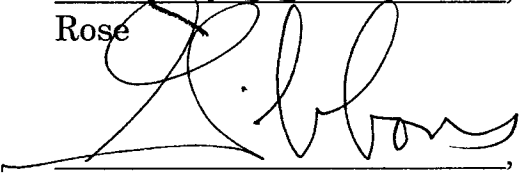
³See id.

⁴See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that White is not entitled to relief and that briefing and oral argument are unwarranted.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Donald M. Mosley, District Judge
George John White
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁶We have reviewed all documents that White has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that White has attempted to present claims or facts in those submissions that were not previously presented in the proceedings below, we have declined to consider them in the first instance.