

IN THE SUPREME COURT OF THE STATE OF NEVADA

J. BENJAMIN ODOMS A/K/A JOHN  
BENJAMIN ODOMS A/K/A JOHN B.  
ODOM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44754

**FILED**

JUN 16 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
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. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

On June 14, 1982, the district court convicted appellant, pursuant to a jury verdict, of one count each of burglary and attempted murder with the use of a deadly weapon. The district court adjudicated appellant as a habitual criminal and sentenced appellant to serve three consecutive life terms in the Nevada State Prison without the possibility of parole. On direct appeal, this court affirmed appellant's convictions, vacated the life sentence without the possibility of parole imposed for the deadly weapon enhancement and affirmed appellant's two consecutive life

sentences without the possibility of parole for the primary offenses.<sup>1</sup> The district court entered an amended judgment of conviction on June 10, 1986, reflecting the imposition of two consecutive life sentences without the possibility of parole. The remittitur issued on May 2, 1986. Appellant unsuccessfully sought post-conviction relief.<sup>2</sup>

On January 10, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court.<sup>3</sup> The State opposed the petition arguing that appellant's petition was time-barred and successive. On March 4, 2005, the district court denied appellant's petition. This appeal followed.

Appellant filed his petition approximately 19 years after this court issued the remittitur from his direct appeal. Thus, appellant's

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<sup>1</sup>Odoms v. State, 102 Nev. 27, 714 P.2d 568 (1986).

<sup>2</sup>Odoms v. State, Docket No. 43495 (Order of Affirmance, September 22, 2004); Odom v. State, Docket No. 37617 (Order of Affirmance, January 2, 2002); Odom v. State, Docket No. 31533 (Order Dismissing Appeal, September 14, 2000); Odoms v. State, Docket No. 29443 (Order Dismissing Appeal, November 20, 1998); Odoms v. State, Docket No. 18650 (Order Dismissing Appeal, December 29, 1988). The judgment of conviction filed June 10, 1986, reflects that appellant is known as "Odom" and "Odoms."

<sup>3</sup>The document was labeled "Memorandum Responces [sic]." We conclude that the district court did not err in construing this to be a post-conviction petition for habeas corpus relief. See NRS 34.724(2)(b).

petition was untimely filed.<sup>4</sup> Moreover, appellant's petition was successive because he had previously filed several post-conviction habeas corpus petitions.<sup>5</sup> Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.<sup>6</sup>

Appellant offered no excuse whatsoever to explain his procedural defects. Thus, we conclude that the district court did not err in determining that the petition was procedurally barred and without good cause. Moreover, appellant's claim that the district court unconstitutionally imposed NRS 207.010 in his case was considered and rejected by this court on direct appeal. "Under the law of the case doctrine, issues previously determined by this court on appeal may not be reargued as a basis for habeas relief."<sup>7</sup>

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

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<sup>4</sup>See NRS 34.726(1).

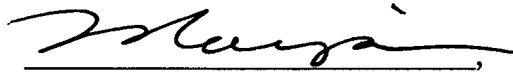
<sup>5</sup>See NRS 34.810(1)(b)(2); NRS 34.810(2).

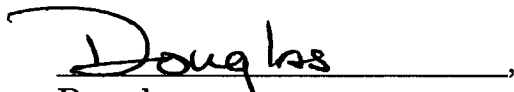
<sup>6</sup>See NRS 34.726(1); NRS 34.810(1)(b), (3).

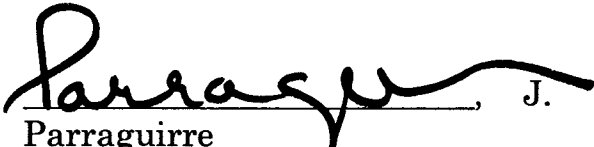
<sup>7</sup>Pellegrini v. State, 117 Nev. 860, 888, 34 P.3d 519, 538 (2001).

briefing and oral argument are unwarranted.<sup>8</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>9</sup>

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Lee A. Gates, District Judge  
J. Benjamin Odoms  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>8</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>9</sup>We have reviewed all documents that appellant 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 appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.