

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALICEA IRENE ALEXANDER,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 44910

FILED

MAR 13 2006

ALICEA IRENE ALEXANDER,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 44911

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

ALICEA IRENE ALEXANDER,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 44912

ORDER OF AFFIRMANCE

These are consolidated appeals from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

On July 5, 1994, appellant Alicea Alexander was convicted and sentenced to a prison term of 10 years for possession of stolen property. Alexander was also sentenced to a prison term of 10 years for burglary. Finally, Alexander was sentenced to a prison term of 6 years for failure to appear after admission to bail. The court ordered all three of these counts to run consecutively to each other. On July 29, 1994,

Alexander filed her notice of appeal. On May 13, 1998 this court entered an order dismissing her appeals on all three cases.¹

Alexander filed a habeas petition, which was dismissed on July 31, 2002. That decision was appealed, and on May 23, 2003, this court affirmed the district court decision.² Next, she filed her second post-conviction petition for writ of habeas corpus. The district court dismissed the petition on February 14, 2005. That decision of the district court to dismiss the motion is the basis of these consolidated appeals.

NRS 34.726 provides that the petition for habeas corpus must be filed within one year of the judgment of conviction or the issuance of the remittitur in a direct appeal. Alexander's petition is untimely. NRS 34.810(2) requires dismissal of a second or successive petition if it fails to allege new or different grounds for relief and that prior determination was on the merits. Alexander's petition was procedurally barred absent a demonstration of good cause and prejudice.³ Alexander has merely put forth the same claims in this appeal that were previously raised on direct appeal. Based upon our review of the record on appeal, we conclude that

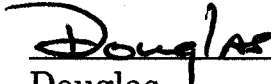
¹Alexander v. State, Docket Nos. 25988, 26033, 26039 (Order Dismissing Appeals, May 13, 1998).


²Alexander v. State, Docket Nos. 40155, 40206 (Order of Affirmance, May 23, 2003).

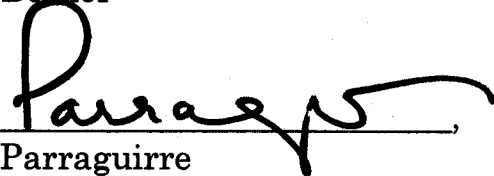
³NRS 34.810(3)(a)-(b).

the district court did not err in determining that Alexander failed to demonstrate good cause to excuse her procedural defects. Therefore, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Robert H. Perry, District Judge
Law Offices of Cristina Hinds, Esq.
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk