

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES QUINN, AKA JAMES RICHARD
QUINN, AKA JAMES R. O'QUINN,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45672

FILED

OCT 17 2005

ORDER OF AFFIRMANCE

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

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; Michelle Leavitt, Judge.

On September 15, 2004, the district court convicted appellant, pursuant to a guilty plea, of robbery with the use of a deadly weapon and kidnapping with the use of a deadly weapon. The district court adjudicated appellant a habitual criminal and sentenced appellant to serve two concurrent terms of life with the possibility of parole after serving ten years in the Nevada State Prison, to run consecutive to appellant's term in the Arizona State Prison. Appellant did not file a direct appeal.

On November 19, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to

conduct an evidentiary hearing. On January 24, 2005, the district court denied appellant's petition. No appeal was taken.

On April 20, 2005, appellant filed a second proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition arguing that the petition was successive. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On June 20, 2005, the district court denied appellant's petition. This appeal followed.

Appellant's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus.¹ Therefore, appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice.²

Based upon our review of the record on appeal, we conclude that the district court did not err in concluding that appellant failed to demonstrate good cause for the successive petition. Appellant provided no reason whatsoever for re-litigating the claims previously decided in the prior proceedings.³

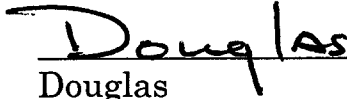
¹See NRS 34.810(2). Appellant's claims regarding his adjudication as a habitual criminal and ineffective assistance of counsel were previously rejected by the district court.


²See NRS 34.810(3).

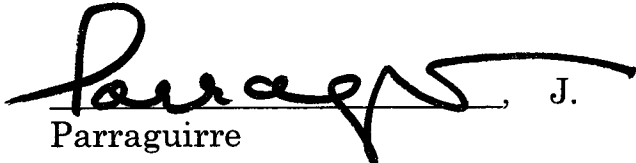
³See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Douglas

 _____, J.
Rose

 _____, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
James Quinn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).