

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHANIE DMETRE LARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45946

FILED

DEC 21 2005

ORDER OF AFFIRMANCE

JANETTE M BLOOM
CLERK OF SUPREME COURT
J. Bloom
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; Joseph T. Bonaventure, Judge.

On November 8, 1999, the district court convicted appellant, pursuant to a jury verdict, of burglary while in possession of a deadly weapon, five counts of first degree kidnapping with the use of a deadly weapon, conspiracy to commit robbery, three counts of robbery with the use of a deadly weapon, and resisting a public officer. The district court sentenced appellant to serve terms totaling 120 to 360 months in the Nevada State Prison. This court affirmed appellant's convictions on direct appeal.¹ The remittitur issued on March 12, 2002.

On June 23, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The

¹Lark v. State, Docket No. 35171 (Order of Affirmance, February 12, 2002).

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 August 29, 2005, the district court denied appellant's petition as untimely. This appeal followed.

Appellant filed her petition more than one year after this court issued the remittitur from her direct appeal. Thus, appellant's petition was untimely filed.² Appellant's petition was procedurally barred absent a demonstration of good cause for the delay and prejudice.³

In an attempt to demonstrate good cause for the delay, appellant argued her attorney did not advise her that her "Constitutional rights [were] violated because there was contradictory evidence used in [her] trial." Appellant also argued she delayed filing her petition because she was pursuing relief through the Pardons Board, which would have dismissed her request for clemency if she had any cases pending. Appellant further argued she was under psychiatric care for depression in 2001 and could not fully comprehend the relevant laws. Based upon our review of the record on appeal, we conclude appellant did not show good cause for the delay in filing her petition. Appellant failed to demonstrate the delay was caused by some factor external to the defense.⁴

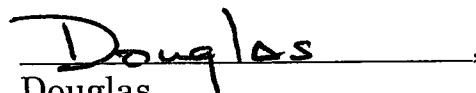
²See NRS 34.726(1).

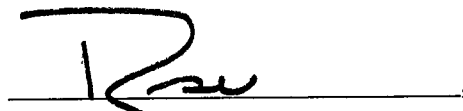
³See *id.*

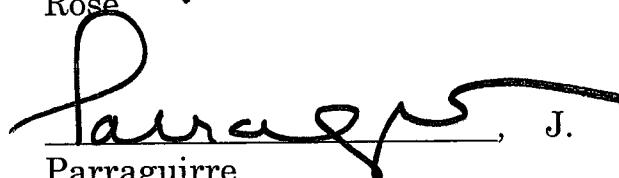
⁴See *Lozada v. State*, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994).

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Douglas

 _____, J.
Rose

 _____, J.
Parraguirre

cc: Hon. Joseph T. Bonaventure, District Judge
Stephanie Dmetre Lark
Attorney General George Chanos/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).