

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATHLEEN CARTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47036

FILED

AUG 17 2006

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; Sally L. Loehrer, Judge.

On January 16, 2001, the district court convicted appellant, pursuant to a jury verdict, of murder in the second degree with the use of a deadly weapon. The district court sentenced appellant to serve two consecutive terms of ten to twenty-five years in the Nevada State Prison. This court affirmed appellant's judgment of conviction and sentence on direct appeal.¹ The remittitur issued on July 24, 2001.

On December 9, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The

¹Carter v. State, Docket No. 37366 (Order of Affirmance, June 27, 2001).

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 March 13, 2006, the district court denied appellant's petition. This appeal followed.

Appellant filed her petition approximately four and one half years after the remittitur was issued in her direct appeal. Thus, appellant's petition was untimely filed.² Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.³

Appellant attempted to demonstrate good cause for her delay by claiming that she was not knowledgeable in the law and did not have legal assistance. Appellant's lack of knowledge about post-conviction remedies does not constitute good cause to excuse her failure to comply with procedural rules.⁴ As such, appellant did not establish good cause to overcome her untimely petition, and thus, the district court did not err in denying this petition.

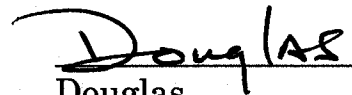
²See NRS 34.726(1).

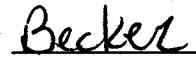
³See *id.*

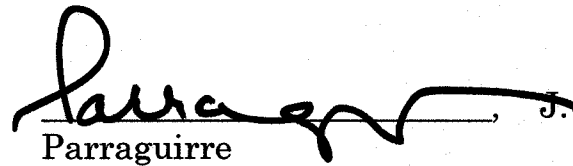
⁴See Phelps v. Director, Prisons, 104 Nev. 656, 764 P.2d 1303 (1988) (stating that appellant's limited intelligence or poor assistance in framing issues will not overcome the procedural bar).

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.
Becker

 _____, J.
Parraguirre

cc: Hon. Sally L. Loehrer, District Judge
Kathleen Carter
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).