

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHONEA GREENE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47227

FILED

SEP 07 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court dismissing appellant Shonea Greene's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

On April 25, 2000, the district court convicted Greene, pursuant to an Alford plea,¹ of one count of second-degree murder. The district court sentenced Greene to serve a prison term of 10 to 25 years. We dismissed Greene's untimely direct appeal.²

On February 2, 2005, Greene filed a proper person petition for a writ of habeas corpus. The district court appointed counsel to represent Greene, and counsel supplemented Greene's petition. The district court heard argument and subsequently dismissed the petition. This appeal follows.


¹See North Carolina v. Alford, 400 U.S. 25 (1970).

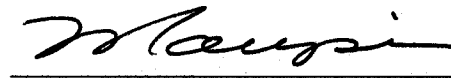
²Greene v. State, Docket No. 39381 (Order Dismissing Appeal, April 11, 2002).

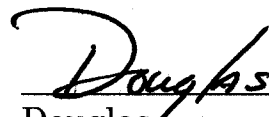
The district court found that Greene's petition was procedurally barred because it was filed more than one year after the judgment of conviction was entered, Greene did not show good cause for filing the petition late, she did not demonstrate that she would be unduly prejudiced if the petition were dismissed, and she did not establish a claim of actual innocence that might excuse the procedural defect.³

A district court's factual findings are entitled to deference when reviewed on appeal.⁴ Here, Greene has not alleged or shown that the district court's findings are not supported by substantial evidence or are clearly wrong. Therefore, she has not demonstrated that the district court erred in dismissing her petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

³See NRS 34.726(1); Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001) (providing that a colorable showing of actual innocence may excuse a procedural bar).

⁴See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

cc: Hon. Lee A. Gates, District Judge
Christopher R. Oram
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk