

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL P. ANSELMO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47579

**FILED**

DEC 08 2006

ORDER OF AFFIRMANCE

ANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
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. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

On June 6, 1972, the district court convicted appellant, pursuant to a jury verdict, of first-degree murder. The district court sentenced appellant to serve a term of life in the Nevada State Prison without the possibility of parole. This court dismissed appellant's direct appeal from his judgment of conviction and sentence for appellant's failure to prosecute the appeal.<sup>1</sup>

On May 9, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. 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 14, 2006, the district court denied appellant's petition. This appeal followed.

<sup>1</sup>Anselmo v. State, Docket No. 7008 (Order, March 4, 1974).

Appellant filed his petition approximately thirty-four years after entry of the judgment of conviction. Thus, appellant's petition was untimely filed.<sup>2</sup> Appellant's petition was procedurally barred absent a demonstration of good cause for the delay and prejudice.<sup>3</sup>

In an attempt to demonstrate cause for the delay, appellant argued that he did not find out until December 2005 that the prosecution lied at trial. Specifically, appellant claimed that the prosecution falsely argued at trial that the victim was raped and robbed before being murdered. Appellant also argued that psychological studies needed to prove that his confession was not voluntary were not available until recently.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's petition. Appellant failed to demonstrate how any alleged misconduct or errors by the prosecution or the voluntariness of his plea prevented him from raising his claims in a timely post-conviction petition for a writ of habeas corpus. Appellant was aware of the statements made by the prosecution at trial, and could have challenged any alleged misconduct or errors by the prosecution on direct appeal. Further, appellant unsuccessfully challenged the voluntariness of his confession prior to trial. Accordingly, we affirm the order denying appellant's petition.

---

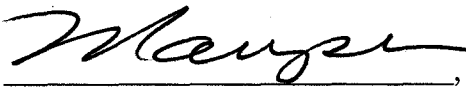
<sup>2</sup>See NRS 34.726(1).

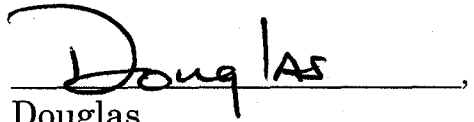
<sup>3</sup>See id.

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.<sup>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
Gibbons J.

  
Maupin J.

  
Douglas J.

cc: Hon. Brent T. Adams, District Judge  
Michael P. Anselmo  
Attorney General George Chanos/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

---

<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).