

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALAN D. DANIELS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47590

FILED

DEC 06 2006

ORDER OF AFFIRMANCE

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

This is an 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 January 14, 2000, the district court convicted appellant Alan D. Daniels, pursuant to a jury verdict, of two counts of burglary while in possession of a firearm, and two counts of robbery with the use of a deadly weapon.¹ The district court sentenced appellant to serve terms totaling 72 months to 270 months in the Nevada State Prison. On appeal, this court affirmed the judgment of conviction.²

On June 12, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On

¹On April 10, 2000, the district court entered an amended judgment of conviction.


²Daniels v. State, Docket No. 35594 (Order Dismissing Appeal, June 7, 2000).

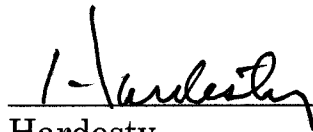
September 13, 2001, the district court denied appellant's petition, and this court affirmed the order of the district court.³

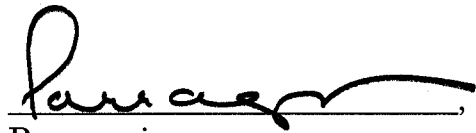
Daniels filed the instant petition on February 14, 2006, more than one year after this court issued the remittitur from the direct appeal. The district court found that the petition was both untimely and successive.⁴ The district court further found that Daniels had failed to show cause to excuse the procedural bars.

This court will not disturb a district court's finding regarding good cause, "except for clear cases of abuse."⁵ In this case, we conclude that the district court did not err by denying the petition as procedurally barred and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Becker


_____, J.
Hardesty


_____, J.
Parraguirre

³Daniels v. State, Docket No. 38512 (Order of Affirmance, September 12, 2002).

⁴See NRS 34.726(1); NRS 34.810(2).

⁵Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989).

cc: Hon. Joseph T. Bonaventure, District Judge
Federal Public Defender/Las Vegas
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk