

IN THE SUPREME COURT OF THE STATE OF NEVADA

REYNALDO GAMBOA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47858

FILED

JAN 08 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rutledge*
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; Valorie Vega, Judge.

On February 23, 2005, the district court convicted appellant, pursuant to a jury verdict, of burglary and grand larceny. The district court adjudicated appellant a small habitual criminal and sentenced appellant to serve two concurrent terms of 60 to 170 months in the Nevada State Prison. This court affirmed appellant's judgment of conviction and sentence.¹ The remittitur issued on November 1, 2005.

On January 30, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to

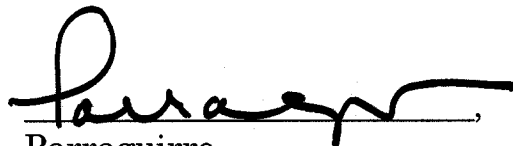
¹Gamboa v. State, Docket No. 44955 (Order of Affirmance, October 4, 2005).

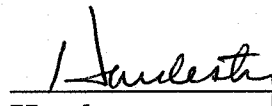
conduct an evidentiary hearing. On July 25, 2006, the district court denied appellant's petition. This appeal followed.


In his petition, appellant contended that there was insufficient evidence to convict because there were no fingerprints found, all of the witnesses perjured themselves, and Hispanics were eliminated from the jury. These claims were waived because appellant did not raise them on direct appeal, and he failed to demonstrate good cause for his failure to do so.² Thus, the district court did not err in denying appellant's petition.

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.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Hardesty

 J.
Saitta

²See NRS 34.810 (1)(b).

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Valorie Vega, District Judge
Reynaldo Gamboa
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk