

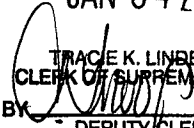
IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE L. WILLIAMS A/K/A TYRONE
LARRENZO WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49489

FILED

JAN 04 2008

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

On December 27, 2004, the district court convicted appellant, pursuant to a guilty plea, of murder with the use of a deadly weapon (Count 1) and robbery (Count 2). The district court sentenced appellant to serve two equal and consecutive terms of life with the possibility of parole after 20 years for Count 1 and a concurrent sentence of 72 to 180 months for Count 2 in the Nevada State Prison. No direct appeal was taken.

On September 13, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On December 19, 2006, the district court dismissed appellant's petition as procedurally barred because the petition was untimely filed. Appellant did not appeal the district court's order denying his petition.

On January 18, 2007, appellant filed a second 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 conduct

an evidentiary hearing. On April 23, 2007, the district court dismissed appellant's petition. This appeal followed.

Appellant filed his petition more than two years after entry of the judgment of conviction. Thus, appellant's petition was untimely filed.¹ Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.²

In an apparent attempt to demonstrate cause for the delay, appellant argued that he needed the assistance of counsel to file his post-conviction petition for a writ of habeas corpus. Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant failed to demonstrate adequate cause to excuse his delay. Appellant's lack of legal training is not good cause.³ Further, appellant was not entitled to the appointment of post-conviction counsel, thus, the lack of post-conviction counsel is not good cause.⁴ Therefore, we conclude that the district court did not err in determining that appellant's petition was procedurally barred.

¹See NRS 34.726(1).

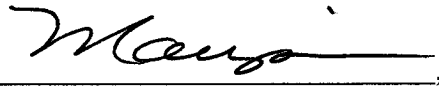
²See id.

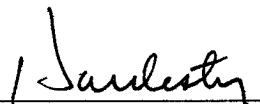
³See Phelps v. Director, Prisons, 104 Nev. 656, 764 P.2d 1303 (1988) (holding that organic brain damage and lack of legal assistance are not sufficient good cause) superseded by statute as stated in State v. Haberstroh, 119 Nev. 173, 69 P.3d 676 (2003).

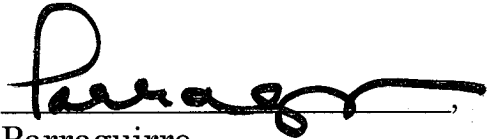
⁴See McKague v. Warden, 112 Nev. 159, 164-65, 912 P.2d 255, 258 (1996); see also Crump v. Warden, 113 Nev. 293, 934 P.2d 247 (1997).

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.⁶


_____, C.J.
Maupin


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Tyrone L. Williams
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁶We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.