

IN THE SUPREME COURT OF THE STATE OF NEVADA

CALVIN D. THOMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CALVIN D. THOMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 33421

FILED

JUN 27 2002

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

No. 34603

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying appellant's post-conviction petition for a writ of habeas corpus.¹

On November 29, 1988, the district court convicted appellant, pursuant to a jury trial, of one count of first degree murder with the use of a deadly weapon and one count of attempted murder with the use of a deadly weapon. The district court sentenced appellant to serve two consecutive terms of life in the Nevada State Prison without the possibility of parole for the murder count and two consecutive terms totaling forty years for the attempted murder count, the latter to be served consecutively

¹On November 2, 1999, this court consolidated these appeals for disposition. See NRAP 3(b).

to the former. This court dismissed appellant's appeal from his judgment of conviction and sentence.² The remittitur issued on November 21, 1989.

On August 6, 1990, appellant filed a proper person petition for post-conviction relief in the district court. The State opposed the petition. On January 8, 1991, the district court denied the petition. This court dismissed appellant's subsequent appeal.³

On October 2, 1998, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On November 6, 1998, the district court summarily denied appellant's petition. Appellant's notice of appeal was docketed in this court in Docket No. 33421. On February 18, 1999, this court entered an order of remand to the district court for the limited purpose of entering specific findings of fact and conclusions of law and advised the district court that it could rescind the November 6, 1998 order if the district court had not intended to deny the petition. Appellant then filed a motion for reconsideration, supplements to the petition, and a reply to the State's opposition. The State filed two oppositions to appellant's petition and supplemental petition. On July 6, 1999, the district court entered a final written order. Appellant's appeal was docketed in this court in Docket No. 34603.

Appellant filed his petitions approximately ten years after this court issued the remittitur from his direct appeal. Thus, appellant's

²Thompson v. State, Docket No. 19782 (Order Dismissing Appeal, November 2, 1989).

³Thompson v. State, Docket No. 22024 (Order Dismissing Appeal, September 30, 1991).

petition was untimely filed.⁴ Moreover, appellant's petition was successive because he had previously filed a petition for post-conviction relief.⁵ Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.⁶

In an attempt to excuse his procedural defects, appellant claimed: (1) he was improperly denied the opportunity to supplement his first petition for post-conviction relief and adequately develop his claims of ineffective assistance of counsel, (2) he was presenting novel claims for relief that could not have been raised in the prior proceedings, (3) his attorneys were ineffective for failing to raise the new claims for relief, (4) the district court failed to review his first petition under standards less stringent than those required of attorneys, (5) he was confused about how to proceed after this court dismissed his appeal from the denial of his first petition, (6) he was presenting questions of law that could be raised at any time, and (7) it was necessary to review his claims in order to exhaust state remedies. 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 procedural defects.⁷ Appellant failed to demonstrate that his claims could not have been raised in the prior proceedings. Further, appellant failed to demonstrate cause

⁴See NRS 34.726(1).

⁵See NRS 34.810(1)(b)(2); NRS 34.810(2).


⁶See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

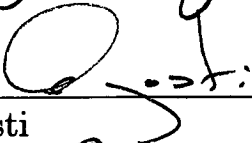
⁷Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994); Phelps v. Director, Prisons, 104 Nev. 656, 764 P.2d 1303 (1988).


for the entire length of his delay. Therefore, we affirm the orders of the district court.

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.⁸ Accordingly, we

ORDER the judgments of the district court AFFIRMED.⁹


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Donald M. Mosley, District Judge
Attorney General/Carson City
Clark County District Attorney
Calvin D. Thompson
Clark County Clerk

⁸See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁹We have considered all proper person documents filed or received in these matters, and we conclude that the relief requested is not warranted.