

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH ALLEN SKELLHAM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51376

FILED

DEC 03 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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; James M. Bixler, Judge.


On December 8, 2006, the district court convicted appellant, pursuant to a guilty plea, of lewdness with a child under the age of fourteen. The district court sentenced appellant to serve a term of life with parole eligibility after ten years in the Nevada State Prison. No direct appeal was taken.


On December 21, 2007, 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 conduct an evidentiary hearing. On April 7, 2008, the district court dismissed appellant's petition as untimely. This appeal followed.

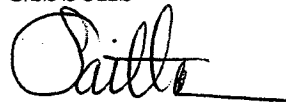
Appellant filed his petition more than one year after entry of the judgment of conviction. Thus, appellant's petition was untimely filed.¹ Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.² In his petition, appellant made no attempt to demonstrate cause for the delay. Therefore, the district court did not err in dismissing the 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.⁴


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Saitta

¹See NRS 34.726(1).

²See *id.*

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

⁴We 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.

cc: Hon. James M. Bixler, District Judge
Kenneth Allen Skellham
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk