

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICARDO BELTRAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51959

FILED

FEB 04 2009

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 denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

On January 10, 2006, the district court convicted appellant, pursuant to a jury verdict, of two counts of first degree kidnapping and six counts of sexual assault with the use of a deadly weapon. The district court sentenced appellant to multiple concurrent and consecutive terms of life in the Nevada State Prison with the possibility of parole. This court affirmed appellant's judgment of conviction and sentence on direct appeal. Beltran v. State, Docket No. 46617 (Order of Affirmance and Limited Remand to Correct the Judgment of Conviction, November 8, 2006). The remittitur issued on December 5, 2006.¹

¹On February 14, 2006, the district court had entered an amended judgment of conviction correcting the technical error identified by this court.

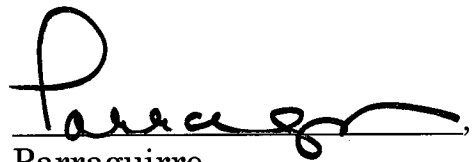
On February 4, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On June 7, 2008, the district court denied appellant's petition. This appeal followed.

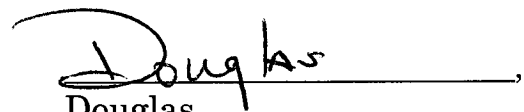
Appellant filed his petition more than two years after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice. See id.

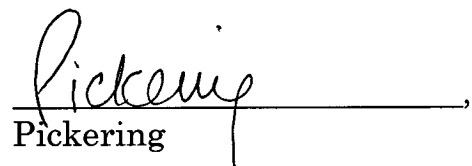
In his petition, appellant did not make any attempt to demonstrate good cause for his delay in filing his petition. Therefore, we conclude that the district court did not err in denying the petition.

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Jennifer Togliatti, District Judge
Ricardo Beltran
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk