

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY RANSEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52033

FILED

FEB 10 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 dismissing appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On November 6, 2006, the district court convicted appellant, pursuant to a jury verdict, of possession of a controlled substance with intent to sell. The district court adjudicated appellant a habitual criminal and sentenced appellant to serve a term of 5 to 20 years in the Nevada State Prison. This court affirmed appellant's judgment of conviction on direct appeal. Ransey v. State, Docket No. 48045 (Order of Affirmance, March 8, 2007). The remittitur issued on April 3, 2007.

On April 15, 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 July 14, 2008, the district court dismissed appellant's petition. This appeal followed.

In his petition, appellant claimed as follows: the criminal complaint was defective, the State failed to meet the requirements in the information, the State and his trial counsel withheld evidence, the State used false evidence to convict him, the district and justice courts acted without jurisdiction, the State altered his identification, the initial arrest was improper, he was not given notice of the charges against him, his trial counsel deserted him, the State forum shopped, and his confinement violates the Constitution.

Appellant filed his petition more than one year 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.


Appellant did not attempt to demonstrate cause for the delay. Therefore, the district court did not err in denying the petition as procedurally time-barred.¹

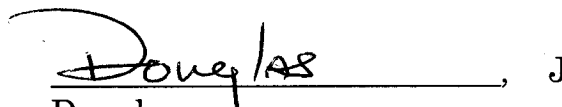
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

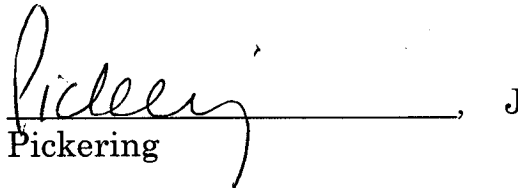
¹To the extent that appellant challenged the conditions of confinement, a post-conviction petition for a writ of habeas corpus is not the proper vehicle to raise such challenges. Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).

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.²


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Jackie Glass, District Judge
Anthony Ransey
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²We 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.