

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN COLLIER,

No. 34762

Appellant,

vs.

WARDEN, NEVADA STATE PRISON, JOHN
IGNACIO,

Respondent.

FILED

JAN 11 2001

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

On July 5, 1995, the district court convicted appellant, pursuant to a guilty plea, of one count of possession of a trafficking quantity of a controlled substance. The district court sentenced appellant to serve a term of forty-five years in the Nevada State Prison. On March 26, 1997, the district court entered an amended judgment of conviction to include the relevant statutory provisions under which appellant was convicted. This court dismissed appellant's untimely appeal from his judgment of conviction and sentence for lack of jurisdiction. *Collier v. State*, Docket No. 33382 (Order Dismissing Appeal, February 3, 1999).

On March 21, 1997, appellant filed a proper person motion to correct an illegal sentence in the district court. On May 28, 1997, the district court denied appellant's motion. This court dismissed appellant's appeal. *Collier v. State*, Docket No. 30578 (Order Dismissing Appeal, May 13, 1999).


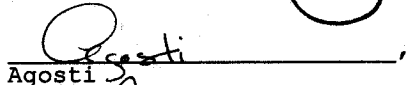
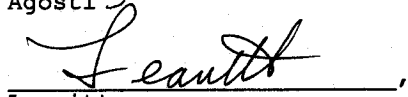
On May 28, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Appellant filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On August 10, 1999, the district court dismissed appellant's petition. This appeal followed.

Appellant filed his petition approximately four years after entry of the judgment of conviction and one and one-half years after entry of the amended judgment of conviction. 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 an attempt to demonstrate cause for the delay, appellant argued that he was deprived of a direct appeal because his trial counsel failed to inform him of his right to appeal. 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 sufficient cause to overcome his delay. See Harris v. Warden, 114 Nev. 956, 964 P.2d 785 (1998); Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

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), cert. denied, 423 U.S. 1077 (1976). Accordingly, we affirm the order of the district court.

It is so ORDERED.¹


Shearing J.

Agosti J.

Leavitt J.

cc: Hon. Brent T. Adams, District Judge
Attorney General
Washoe County District Attorney
Steven Collier
Washoe County Clerk

¹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.