

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDALL GEORGE ANGEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53338

FILED

MAR 10 2010

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 a timely post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

In his petition, filed on August 20, 2008, appellant first claimed that his trial counsel was ineffective for failing to file a motion to dismiss the charges based on a violation of his speedy trial rights because appellant claimed that he was not tried within 60 days of his arraignment and that this failure demonstrated that counsel did not actively represent appellant's interests.

Appellant failed to demonstrate that his counsel's performance was deficient in that it fell below an objective standard of reasonableness, and resulting prejudice such that there is a reasonable probability that, but for counsel's errors, the outcome of the proceedings would have been different. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Warden

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

v. Lyons, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in Strickland). Appellant was arraigned on April 20, 2007, and his trial began on May 22, 2007. Thus, appellant was tried within 60 days of his arraignment and suffered no violation of his speedy trial rights. See NRS 174.511. Further, appellant failed to demonstrate that his trial counsel did not actively represent his interests. Therefore, the district court did not err in denying this claim.

Next, appellant claimed that his speedy trial rights were violated, he was not arraigned in a timely manner, the State knowingly allowed witnesses to commit perjury, and the district court was biased. Appellant failed to demonstrate good cause for failing to raise these claims on direct appeal and prejudice, therefore, we conclude that the district court did not err in denying these claims. See NRS 34.810(1)(b)(2).

Having considered appellant's contentions and concluding that they are without merit, we

ORDER the judgment of the district court AFFIRMED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

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.

cc: Hon. Steven R. Kosach, District Judge
Randall George Angel
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk