

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK BROWN A/K/A DERRICK
DEROY BROWN, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53591

FILED

DEC 03 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

On November 14, 2006, the district court convicted appellant, by a plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), of one count of sexual assault. The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole. This court affirmed the judgment of conviction on appeal. Brown v. State, Docket No. 48431 (Order of Affirmance, November 8, 2007). The remittitur issued on December 4, 2007.

On February 13, 2009, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. 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

March 9, 2009, the district court denied appellant's petition. This appeal followed.

In his petition, appellant claimed: (1) the district court conducted an inadequate plea canvass, (2) the district court erred in denying a motion for withdrawal of counsel without conducting a hearing, (3) trial counsel coerced appellant into entering a guilty plea, and (4) the guilty plea was coerced.

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.

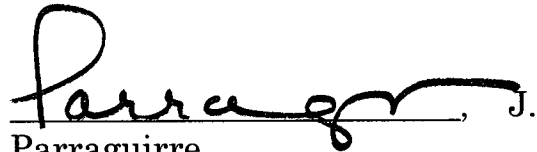
In an attempt to demonstrate cause for the delay, appellant argued that he was unlearned in the law and post-conviction proceedings.

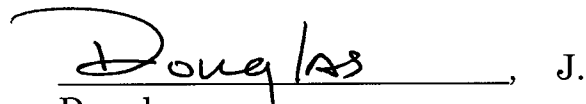
Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition as procedurally time barred. The claims raised in the petition could have been raised in a timely petition, and appellant failed to demonstrate cause for the delay in raising his claims. Hathaway v. State, 119 Nev. 248, 71 P.3d 503 (2003). Ignorance of the law or post-conviction proceedings is not good cause. Phelps v. Director, Prisons, 104 Nev. 656, 764 P.2d 1303 (1988). Therefore, we affirm the order of the district court.

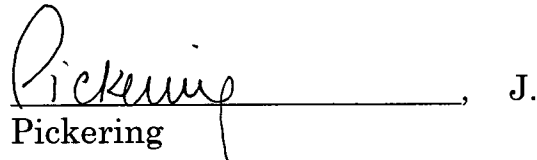
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

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.¹


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Michelle Leavitt, District Judge
Derrick Deroy Brown Jr.
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹We 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.