

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM WESLEY,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, JACK
PALMER,
Respondent.

No. 53599

FILED

FEB 04 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

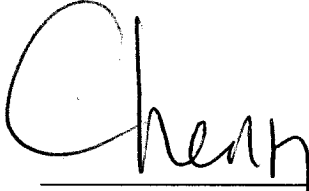
This is a proper person appeal from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus.¹ Third Judicial District Court, Churchill County; David A. Huff, Judge.

Appellant filed his petition on March 19, 2009, more than fourteen months after the district court entered the judgment of conviction and sentence on January 15, 2008. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice. See NRS 34.726(1).

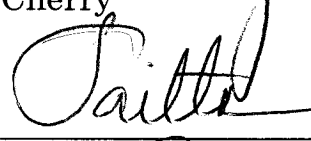
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Appellant's claim that his counsel failed to inform him of his right to file a direct appeal was not sufficient to establish good cause. See Hathaway v. State, 119 Nev. 248, 253, 71 P.3d 503, 507 (2003) (concluding that "an appeal deprivation claim is not good cause if that claim was reasonably available to the petitioner during the statutory time period"). Accordingly, we


ORDER the judgment of the district court AFFIRMED.


_____ J.

Cherry


_____ J.

Saitta


_____ J.

Gibbons

cc: Hon. David A. Huff, District Judge
William Wesley
Attorney General/Carson City
Churchill County District Attorney
Churchill County Clerk