

IN THE SUPREME COURT OF THE STATE OF NEVADA

THEODORE J. THOMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53995

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 post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

Appellant filed the petition in the district court on March 17, 2009, more than four years after the judgment of conviction was filed on October 26, 2004. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause and undue prejudice. Id.

Appellant did not attempt to provide cause for the delay. Appellant's claims challenging the judgment of conviction could have been raised in a timely petition. Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). The order revoking probation did not provide good cause to raise claims challenging the validity of the judgment of

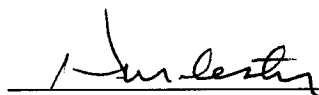
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

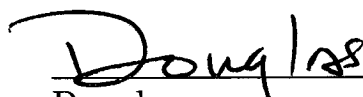
conviction. See Sullivan v. State, 120 Nev. 537, 540, 96 P.3d 761, 764 (2004). Therefore, the district court did not err in denying the claims challenging the judgment of conviction as procedurally barred.

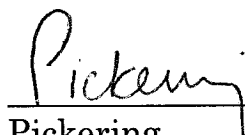
Appellant also appeared to claim that probation should not have been revoked because he was mentally ill and could not comply with the conditions imposed. As appellant failed to comply with the conditions of his probation and had been charged with an additional crime while on probation, he failed to demonstrate that the district court erred in revoking probation. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). Therefore, the district court did not err in denying the petition.

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

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Hardesty


_____, J.
Douglas


_____, 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. Jackie Glass, District Judge
Theodore J. Thompson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk