

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN CHANCE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55485

FILED

JUL 15 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; David B. Barker, Judge.

Appellant filed his petition on October 13, 2009, almost 4 years after entry of the judgment of conviction on November 18, 2005.² Thus, appellant's petition was untimely filed.³ See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See NRS 34.726(1). Appellant claimed that he had good cause because he had received information regarding counsel's reasons for not filing an appeal. The failure to file a

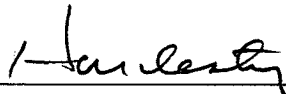
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²No direct appeal was taken.

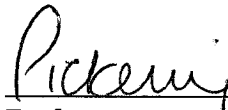
³Appellant's petition was also filed almost 3 years after entry of the amended judgment of conviction.

direct appeal is not good cause in this case. Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003); Harris v. Warden, 114 Nev. 956, 959, 964 P.2d 785, 787 (1998). Therefore, we conclude that the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. David B. Barker, District Judge
Brian Chance
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk