

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN GLENN JACOBSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55869

FILED

SEP 29 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 appellant's post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Appellant filed his petition on December 1, 2009, over three years after entry of the judgment of conviction on August 18, 2006.² Appellant's petition was therefore untimely filed and, accordingly, was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See NRS 34.726(1).

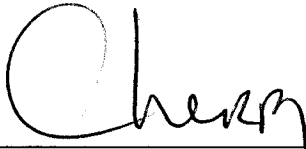
Appellant claimed that he had good cause to excuse the delay because, when he asked trial counsel at the sentencing hearing to file an appeal, counsel advised him that it was not possible, and appellant just learned that counsel was wrong. Appellant failed to demonstrate an

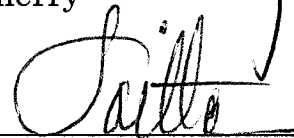
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


²No direct appeal was taken.

impediment external to the defense caused the delay. See Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Where, as here, a defendant believes that his counsel has not filed an appeal that was requested, the defendant must raise that claim within the statutory period provided by NRS 34.726(1). Id. at 253-54, 71 P.3d at 507. We therefore conclude that the district court did not err in denying appellant's petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Eighth District Court Clerk
Sean Glenn Jacobson
Attorney General/Carson City
Clark County District Attorney

³We 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.