

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JAY MCCOLLUM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56174

FILED

NOV 12 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 writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Appellant filed his petition on March 11, 2010, nearly eight years after entry of the judgment of conviction on April 22, 2002.² 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). Further, because the State specifically pleaded laches, appellant was required to overcome the presumption of prejudice to the State. See NRS 34.800(2). Appellant neither argued nor demonstrated that he had good cause to excuse the

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.

procedural bar. Appellant also failed to overcome the presumption of prejudice to the State.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Valorie Vega, District Judge
Michael Jay McCollum
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³Appellant's claims challenging the denial of his parole were not cognizable in the instant petition as he was not incarcerated in Clark County. See NRS 34.738(1).