

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON EVAN WILCOX,
Appellant,
vs.
WARDEN, NEVADA STATE PRISON,
GREGORY SMITH,
Respondent.

No. 56390

FILED

DEC 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK 0

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; Michelle Leavitt, Judge.

Appellant filed his petition on October 23, 2009, approximately four years after entry of the judgment of conviction on November 3, 2005. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was an abuse of the writ as he raised claims new and different from those raised in his previous petition.² See NRS 34.810(2). Appellant's petition was procedurally

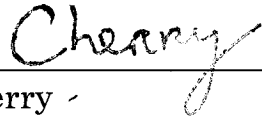
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


²Further, several claims, as identified by the district court, fell outside the scope of claims permissible in a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea. NRS 34.810(1)(a).


barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

Appellant failed to demonstrate any impediment external to the defense prevented him from raising his claims challenging his judgment of conviction within the time limits. Hathaway v. State, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Appellant failed to demonstrate any of his claims implicated the jurisdiction of the court in the instant case. Nev. Const. art. 6, § 6; NRS 171.010. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry -


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Jason Evan Wilcox
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk