

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD MICHAEL PARKER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56557

**FILED**

**FEB 18 2011**

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 dismissing a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant filed his petition on March 9, 2010, more than 17 years after entry of the judgment of conviction on January 27, 1993.<sup>2</sup> Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition constituted an abuse of the writ to the

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<sup>1</sup>This 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).

<sup>2</sup>No direct appeal was taken.

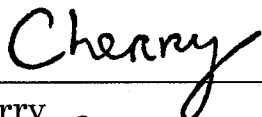
extent he raised claims new and different from those raised in two previously filed post-conviction petitions.<sup>3</sup> See NRS 34.810(2). Appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3). Moreover, because the State specifically pleaded laches, appellant was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2).


Appellant failed to demonstrate any impediment external to the defense sufficient to establish good cause for his delay in filing his petition. See Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). The alleged failure of counsel to inform appellant of certain contradictory witness statements prior to the entry of his plea does not demonstrate good cause. See id. at 252-53, 71 P.3d at 506 (recognizing that a procedurally defaulted claim of ineffective assistance of counsel cannot serve as good cause). Further, to the extent appellant alleged that his procedural defects should be excused because he is actually innocent, appellant failed set forth evidence sufficient to establish that "it is more likely than not that no reasonable juror would have convicted [appellant]."

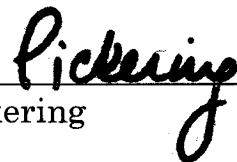
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<sup>3</sup>See Parker v. State, Docket No. 36825 (Order of Affirmance, January 2, 2002); Parker v. State, Docket No. 26138 (Order Dismissing Appeal, December 24, 1997).

See Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001); Mazzan v. Warden, 112 Nev. 838, 842, 921 P.2d 920, 922 (1996). Accordingly, we  
ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Elissa F. Cadish, District Judge  
Edward Michael Parker  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>4</sup>We 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.