

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAUN KEKONA MORENO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56934

FILED

APR 06 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 denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.

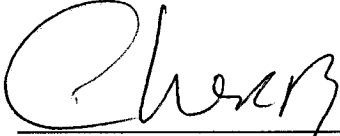
Appellant filed his petition on July 9, 2010, more than four years after entry of the judgment of conviction on October 20, 2005. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See id.


To overcome the procedural bar, appellant claimed that the district court lacked subject matter jurisdiction due to errors on the judgment of conviction and appellant asserted that jurisdictional errors can be raised at any time. Appellant's claims did not implicate the jurisdiction of the courts. Nev. Const. art. 6, § 6; NRS 171.010. Further,


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).

appellant's claims lacked merit because he failed to demonstrate that the judgment of conviction contained any errors. Therefore, the district court did not err in denying the petition as procedurally barred.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

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

²Although the district court correctly observed that the original petition was not verified and was not in substantial compliance with the form set forth in NRS 34.735, those defects were curable. See Miles v. State, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004). However, the district court correctly determined that the petition was procedurally barred without cause for the delay, and therefore, the petition was properly denied.