

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE J. CAUSEY,

No. 35266

Appellant,

FILED

vs.

SEP 07 2000

THE STATE OF NEVADA,

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

Respondent.

ORDER DISMISSING APPEAL

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.

On August 2, 1977, the district court convicted appellant, pursuant to a jury verdict, of one count of sale of a controlled substance in district court case no. C36816. The district court sentenced appellant to serve a term of twenty years in the Nevada State Prison. This court dismissed appellant's direct appeal. Causey v. State, Docket No. 10261 (Order Dismissing Appeal, April 6, 1979). The remittitur issued on April 25, 1979.

On August 27, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On December 10, 1999, the district court denied appellant's petition. This appeal followed.¹

In his petition, appellant noted that he had completed serving his sentence prior to filing his petition, but he contended that his conviction should nonetheless be set aside

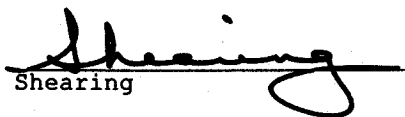
¹Appellant's habeas corpus petition lists two district court case numbers, C36816 and C37060. The district court entered an order denying the petition in both district court case numbers. However, in his notice of appeal, appellant stated that he is appealing from the order denying his habeas corpus petition in district court case no. C36816. Thus, this appeal is limited to appellant's petition as it pertained to district court case no. C36816. See NRAP 3(c).

because he received ineffective assistance of counsel and because his conviction violated double jeopardy.

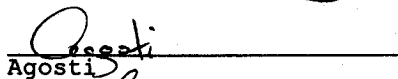
We conclude that the district court reached the correct result in denying appellant's petition. See NRS 34.360; see also Jackson v. State, 115 Nev. 21, 973 P.2d 241 (1999). Appellant had completed serving his twenty-year sentence in this case prior to filing his habeas corpus petition. Therefore, appellant was not in custody or otherwise restrained of his liberty at the time he filed his habeas corpus petition. Furthermore, appellant's petition was filed more than 20 years after the remittitur issued from appellant's direct appeal. Thus, appellant's petition was untimely filed and barred by the doctrine of laches. See NRS 34.726(1); NRS 34.800(2).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976). Accordingly, we


ORDER this appeal dismissed.



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Kathy A. Hardcastle, District Judge
Attorney General
Clark County District Attorney
Willie J. Causey
Clark County Clerk