

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL ANTHONY SKINNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58166

FILED

OCT 05 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Angerson
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 Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Appellant filed his petition on August 17, 2010, more than thirteen years after entry of the judgment of conviction on June 4, 1997.² Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was successive because he had previously litigated two post-conviction petitions for a writ of habeas corpus.³ See NRS 34.810(1)(b)(2); 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).


²A corrected judgment was entered on February 25, 1998.


³Skinner v. State, Docket No. 35619 (Order of Affirmance, November 22, 2000); Skinner v. State, Docket No. 40654 (Order of Affirmance, November 5, 2003).

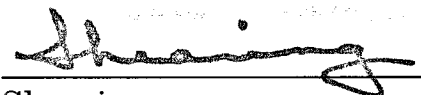
barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

In his petition, appellant claimed that he had good cause because his counsel had failed to file an appeal. Appellant litigated a claim that he was deprived of a direct appeal due to ineffective assistance of counsel in his first petition. This court affirmed the district court's denial of this claim. Thus, this claim cannot serve as good cause in the instant case. Because appellant failed to demonstrate good cause for the late and successive petition, we conclude that the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Pickering


_____, Sr. J.
Rose


_____, Sr. J.
Shearing

⁴The Honorable Robert Rose and Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.

cc: Hon. Janet J. Berry, District Judge
Paul Anthony Skinner
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk