

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KAMEDULA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58826

FILED

DEC 07 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
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; Michelle Leavitt, Judge.

Appellant filed his petition on May 5, 2011, almost 24 years after entry of the judgment of conviction on August 4, 1987. Thus, appellant's petition was untimely filed.² 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.³ See NRS 34.810(2). Appellant's petition was procedurally barred absent a demonstration of

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).

²Even assuming that the deadline for filing a habeas corpus petition commenced on January 1, 1993, the date of the amendments to NRS chapter 34, appellant's petition was filed more than 18 years after the effective date of NRS 34.726. See 1991 Nev. Stat., ch. 44, §§ 5, 33, at 75-76, 92; Pellegrini v. State, 117 Nev. 860, 874-75, 34 P.3d 519, 529 (2001).

³Kamedula v. State, Docket No. 54478 (Order of Affirmance, March 10, 2010).

good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3). Appellant did not attempt to demonstrate good cause for the procedural defects.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
Brian Kamedula
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

⁴Contrary to appellant's assertion, a claim seeking additional presentence credits is subject to the procedural bars. See Griffin v. State, 122 Nev. 737, 744, 137 P.3d 1165, 1169-70 (2006).