

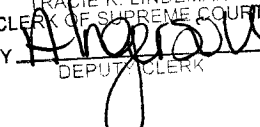
IN THE SUPREME COURT OF THE STATE OF NEVADA

NICHOLAS EDWARD BARR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59748

FILED

SEP 19 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
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; James M. Bixler, Judge.

Appellant's April 11, 2011, petition challenged both his judgment of conviction and the district court's order revoking probation. Regarding his challenge to the judgment of conviction, appellant's petition was filed more than two years after entry of the judgment of conviction on February 4, 2009.² Thus, the challenge to the judgment of conviction was

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).

²Appellant's direct appeal was dismissed for lack of jurisdiction because the notice of appeal was untimely filed. *Barr v. State*, Docket No. 56211 (Order Dismissing Appeal, July 19, 2010). Thus, the proper date to measure timeliness is the entry of the judgment of conviction. *See Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998).

untimely and procedurally barred absent a demonstration of good cause— cause for the delay and undue prejudice. *See* NRS 34.726(1).


Appellant argued that the district court was biased during his sentencing hearing and he was entitled to an additional 20 days of credit for time served, but appellant provided no explanation for why he could not raise those claims in a timely manner. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). The order revoking probation did not provide good cause to raise claims challenging the validity of the judgment of conviction. *See Sullivan v. State*, 120 Nev. 537, 540, 96 P.3d 761, 764 (2004). Therefore, the district court did not err in denying those claims as procedurally barred.

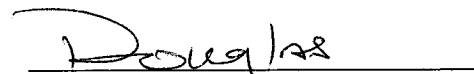
Next, appellant raised claims challenging the probation revocation proceedings. Appellant claimed that the prosecutor was biased and overstepped his bounds, the district court should have allowed him time to further review tape recordings used at the revocation hearing, appellant did not believe his actions violated his probation, appellant did not intentionally falsify a subpoena, the State did not provide him advance notice regarding internet photographs it used at the revocation hearing, the district court should have held an additional evidentiary hearing, and the district court was biased during the probation revocation proceedings.

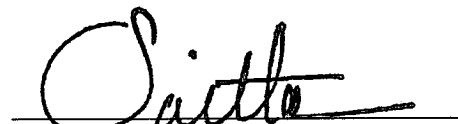
Appellant failed to demonstrate he was entitled to relief. The district court concluded that the evidence presented by the State demonstrated that appellant had violated his probation by repeatedly contacting the victim in this case. The record before this court demonstrates that there was sufficient evidence to justify the probation revocation and appellant failed to demonstrate that the district court abused its discretion in so doing. *See Lewis v. State*, 90 Nev. 436, 438, 529

P.2d 796, 797 (1974). In addition, adverse decisions by the court are insufficient to demonstrate judicial bias, and therefore, appellant failed to demonstrate that the district court was biased against him. See *In re Petition to Recall Dunleavy*, 104 Nev. 784, 789-90, 769 P.2d 1271, 1275 (1988). Therefore, the district court did not err in denying these claims.

Having concluded that appellant is not entitled to relief, we ORDER the judgment of the district court AFFIRMED.³

 , J.
Gibbons

 , J.
Douglas

 , J.
Saitta

cc: Hon. James M. Bixler, District Judge
Nicholas Edward Barr
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We 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.