

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN DANIEL ORRE A/K/A  
STEVEN DANIEL ORR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60081

FILED

JUN 14 2012

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Anderson*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

Appellant filed his petition on October 3, 2011, almost twelve years after issuance of the remittitur on direct appeal on December 15, 1999. Orre v. State, Docket No. 34558 (Order Dismissing Appeal, November 19, 1999). Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition was successive because he had previously litigated a post-conviction petition for a writ of habeas corpus, and it constituted an abuse of the writ to the extent that he raised claims new and different from those raised in his previous petition.<sup>2</sup> See NRS 34.810(2). Appellant's petition was procedurally barred absent a

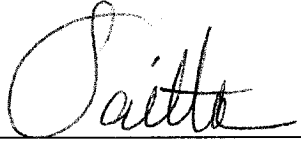
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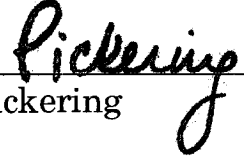
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

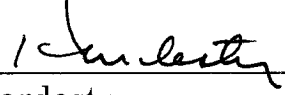
<sup>2</sup>Orre v. State, Docket No. 37353 (Order of Affirmance, December 17, 2001).

demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3). Appellant appeared to claim that the procedural requirements set forth in NRS chapter 34 did not apply because he was seeking to modify his sentence. Appellant was mistaken. The procedural requirements set forth in NRS chapter 34 apply to all petitions filed pursuant to NRS chapter 34. A motion to modify sentence is a separate remedy, and as appellant acknowledged, a remedy he has previously sought. Orre v. State, Docket No. 52296 (Order of Affirmance, February 6, 2009). Because appellant has failed to demonstrate good cause to excuse his procedural defects, 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.<sup>3</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

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<sup>3</sup>We 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.

cc: Hon. Donald M. Mosley, District Judge  
Steven Daniel Orre  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk