


IN THE SUPREME COURT OF THE STATE OF NEVADA

LANCE SPEAKE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61370

FILED

APR 09 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; Valerie Adair, Judge.

Appellant filed his petition on February 28, 2012, almost 3 years after entry of the judgment of conviction on March 23, 2009. Thus, appellant's petition was untimely filed. NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause: cause for the delay and undue prejudice. *Id.* Good cause must be an impediment external to the defense. *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

Appellant claimed that he had good cause because he did not understand the law and was mentally challenged. Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant failed to demonstrate cause for the delay.

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).

Appellant's lack of knowledge about the law and mental challenges are not impediments external to the defense.² See Phelps v. Director, Prisons, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Valerie Adair, District Judge
Lance Speake
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We note that appellant was determined to be competent during the trial proceedings and litigated a post-conviction motion to withdraw the plea prior to the filing of this petition.

³We deny appellant's request for counsel.