

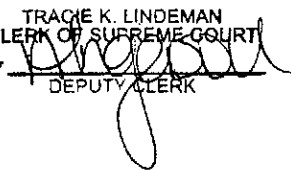
IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK ALAN LAURIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62829

FILED

FEB 12 2014

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; Douglas W. Herndon, Judge.

Appellant filed his petition on September 6, 2012, more than one year after entry of the judgment of conviction on April 11, 2011. Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*


In an attempt to demonstrate good cause, appellant claimed that he believed that an appeal had been filed and that he filed the petition within a reasonable time after finding out that trial counsel had failed to file an appeal. Specifically, he claimed that during pretrial proceedings, counsel assured him that the denial of his motions would be

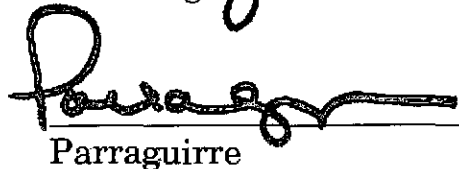
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


raised on appeal, and that at some point, he was told over the phone that an appeal had been filed.

Appellant failed to demonstrate good cause because he failed to demonstrate that he believed that an appeal had been filed on his behalf. *Hathaway v. State*, 119 Nev. 248, 253-54, 71 P.3d 503, 507 (2003). First, appellant pleaded guilty and waived his right to appeal issues that occurred prior to pleading. Second, at the evidentiary hearing, both of appellant's counsel testified that appellant never asked them to appeal. Further, they testified that there were no non-frivolous issues to raise. Therefore, the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Douglas W. Herndon, District Judge
Mark Alan Lauria
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk