

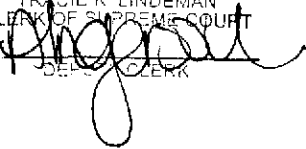
IN THE SUPREME COURT OF THE STATE OF NEVADA

TROY PERNELL MAYS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62858

FILED

DEC 12 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEBRA CZERNY

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; Kathleen E. Delaney, Judge.

Appellant filed his petition on November 29, 2012, over three years after entry of the judgment of conviction on June 25, 2009. 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.*


First, appellant claimed that he had cause for the delay because counsel failed to inform him of his right to appeal and failed to file an appeal. Appellant failed to demonstrate cause for the delay because he failed to demonstrate that he reasonably believed an appeal was pending and that he filed his petition within a reasonable amount of time of learning that no appeal had been taken. *Hathaway v. State*, 119 Nev. 248,

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).

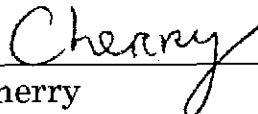
255, 71 P.3d 503, 508 (2003). Therefore, the district court did not err in denying this claim.

Second, appellant claimed he had cause for the delay because jurisdictional claims may be raised at any time. He claims that the district court either lacked jurisdiction or exceeded its jurisdiction when it adjudicated appellant a habitual criminal and sentenced him pursuant to NRS 207.010(1)(a), instead of sentencing him on the primary offense first. This claim does not implicate the jurisdiction of the courts, see Nev. Const. art. 6, § 6, and the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Pickering


_____, J.
Hardesty


_____, J.
Cherry

cc: Hon. Kathleen E. Delaney, District Judge
Troy Pernell Mays
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk