

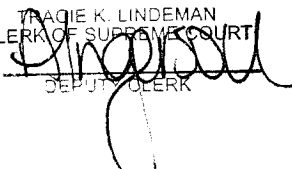
IN THE SUPREME COURT OF THE STATE OF NEVADA

LONNIE MCDUFFIE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62975

FILED

NOV 13 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order 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 January 16, 2013, almost four years after entry of the judgment of conviction on May 22, 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.*

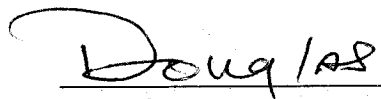
Appellant claimed that his delay was due to trial counsel's misinformation that he could not file a direct appeal from his conviction. This claim was reasonably available to be raised in a timely petition and ineffective assistance-of-counsel claims that are themselves procedurally

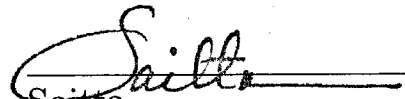
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

barred cannot establish good cause.² *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003); *see also Edwards v. Carpenter*, 529 U.S. 446, 453 (2000). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

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

²We note that appellant was informed of the limited right to appeal in the guilty plea agreement. *See Davis v. State*, 115 Nev. 17, 974 P.2d 658 (1999).