

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHNNIE LEE PARHAM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63081

FILED

NOV 13 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant filed his petition on March 15, 2013, more than one year after entry of the judgment of conviction on September 1, 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.*

Appellant first claimed that his petition was timely from entry of the amended judgment of conviction on March 19, 2012. Appellant was in error. The one-year time period to challenge a conviction does not automatically re-start simply because the district court entered an amended judgment of conviction. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004). Rather, entry of an amended judgment of


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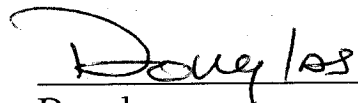
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

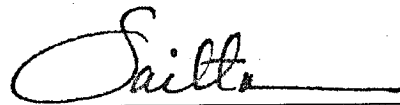
conviction may explain a delay in filing the petition if the petition raises claims challenging the amended judgment of conviction or the proceedings leading up to the amended judgment of conviction. *Id.* Appellant's claims did not challenge the amended judgment of conviction, and thus, it would not explain his delay.

Next, appellant claimed that his delay should be excused because he did not have access to the law library. Appellant failed to demonstrate cause for the delay as he provided no facts in support of this claim. Appellant failed to demonstrate that the prison interfered with his access to the courts. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Therefore, 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>2</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

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

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<sup>2</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. Michelle Leavitt, District Judge  
Johnnie Lee Parham  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk