

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON CHAD REDDICK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63500

FILED

JAN 16 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

BY *Shapsal*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant filed his petition on February 27, 2013, more than four years after entry of the judgment of conviction on July 16, 2008.<sup>2</sup> Thus, appellant's petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

First, appellant claimed he had cause for the delay because his counsel failed to file a notice of appeal following his guilty plea. Appellant did not demonstrate cause for the delay because he failed to demonstrate that he reasonably believed an appeal was pending and that he filed his

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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).

<sup>2</sup>No direct appeal was taken.



petition within a reasonable time of learning no appeal had been taken. *Hathaway v. State*, 119 Nev. 248, 255, 71 P.3d 503, 508 (2003). In addition, appellant was informed of his limited right to file a direct appeal in the guilty plea agreement.

Second, appellant claimed that he had good cause because he recently learned that the Las Vegas Metropolitan Police Department had problems in a laboratory which may have caused problems with tests conducted in his case. Appellant failed to demonstrate cause to excuse the entire delay in raising this claim because he raised this claim in a previous motion for modification of sentence. *See id.* at 252, 71 P.3d at 506. Appellant also failed to demonstrate prejudice related to this claim because he merely speculates that there may have been an error in a test conducted for his case. In addition, the evidence of appellant's guilt came from the testimony of the sexual assault victim and the person who stopped appellant during the act and held him until the police arrived, not from evidence related to scientific tests. Therefore, the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. David B. Barker, District Judge  
Jason Chad Reddick  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk