

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ILANDERS STREET,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63575

FILED

JAN 16 2014

FRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Fracie K. Lindeman*
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 Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

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).

Appellant labeled his petition a “writ of habeas corpus in a motion for order to show cause.” Because appellant challenged his conviction, we conclude that the district court properly construed appellant’s petition as a post-conviction petition for a writ of habeas petition. See NRS 34.724(2)(b) (stating that a post-conviction petition for a writ of habeas corpus “[c]omprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence, and must be used exclusively in place of them”).

Appellant filed his petition on April 4, 2013, more than five years after entry of the judgment of conviction on November 7, 2007.² Appellant's petition was therefore untimely filed. *See* NRS 34.726(1). Appellant's petition was also an abuse of the writ because he raised claims new and different from those raised in his prior post-conviction petition.³ *See* NRS 34.810(2). Appellant's petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3).

Appellant offered no cogent argument to excuse his procedural defects. To the extent he argued that procedural bars should not apply because the district court never acquired jurisdiction over his case, his argument was without merit because it did not implicate the jurisdiction of the courts. Nev. Const. art. 6, § 6; NRS 171.010. The Statutes of Nevada contain the laws with the enacting clauses required by the constitution. The Nevada Revised Statutes simply reproduce those laws as classified, codified, and annotated by the Legislative Counsel. NRS 220.120.

Moreover, as a separate and independent ground to deny relief, appellant's claim was outside the scope permissible in a post-

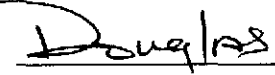
²No direct appeal was taken.

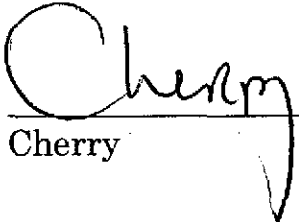
³*Street v. Warden*, Docket No. 59244 (Order of Affirmance, December 12, 2012).

conviction habeas petition where the defendant was convicted pursuant to a guilty plea. NRS 34.810(1)(a). Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Brent T. Adams, District Judge
Christopher Ilanders Street
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

⁴We 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.