

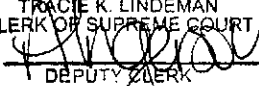
IN THE SUPREME COURT OF THE STATE OF NEVADA

CORA BUSTAMANTE A/K/A DEBBY
SEVANT A/K/A TRACY RUSSO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63813

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Cora Bustamante's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Bustamante claims that the district court erred by denying her petition as procedurally barred. Bustamante's judgment of conviction was entered on January 7, 2010. The district court clerk's office received the instant petition on January 13, 2011, but did not file it until January 17, 2011. Therefore, the district court denied the petition as untimely based on NRS 34.726(1). To be timely, Bustamante's petition had to be submitted for filing by January 7, 2011. *See* NRS 32.726(1). Because the petition was not timely submitted for filing, we conclude that the district court did not err by denying the petition.

The district court also concluded that Bustamante failed to even allege good cause to excuse the timeliness requirement. Counsel for Bustamante asserts that he did not make a good cause argument because he assumed that the district court had decided to consider the petition to be timely filed. This assertion lacks merit; moreover, our review of the record suggests that supplemental briefing was specifically ordered to

address the timeliness issue. In Bustamante's reply brief on appeal, counsel claims that good cause exists to excuse the untimely filing because Bustamante was (1) acting without the assistance of an attorney, (2) unaware of the time-bars, and (3) incarcerated at the time of the filings, and because considering the petition to be untimely would cause her undue prejudice. But counsel does not support these claims with any argument; instead, he improperly incorporates by reference the district court filings below and asserts that incorporation is necessary due to the limitations placed on him pursuant to NRAP 3C. This assertion also lacks merit because the fast track statement contains less than half the words permitted by the type-volume limitation and, if necessary, counsel could have requested leave to file a brief in excess of the type-volume limitations. See NRAP 3C(h)(2); NRAP 3C(e)(1)(B); NRAP 32(a)(7)(D). Because these claims were not supported by cogent argument or relevant legal authority, we decline to consider them. See *Maresca v. State*, 103 Nev. 669, 673 748 P.2d 3, 6 (1987). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

	<u>Pickering</u> , J.	
	Pickering	
<u>Parraguirre</u> , J.		<u>Saitta</u> , J.
Parraguirre		Saitta

¹In light of this order, we decline to address Bustamante's other claims.

cc: Hon. Michael Villani, District Judge
Travis E. Shetler
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk