

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH FARRIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64153

**FILED**

**MAR 12 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
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; Ronald J. Israel, Judge.

Appellant filed his petition on May 22, 2013, more than two years after entry of the judgment of conviction on May 10, 2011.<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).

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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).

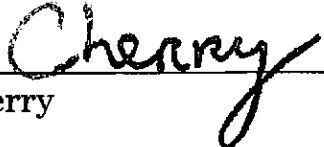
<sup>2</sup>Appellant's direct appeal was dismissed for lack of jurisdiction because the notice of appeal was untimely filed. *Farris v. State*, Docket No. 58680 (Order Dismissing Appeal, August 1, 2011). Accordingly, the proper date to measure timeliness is the entry of the judgment of conviction. *See Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998).

Appellant appeared to claim that he had cause for the delay because his counsel failed to file a timely notice of appeal. 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 petition within a reasonable time of learning no appeal had been taken. *See Hathaway v. State*, 119 Nev. 248, 255, 71 P.3d 503, 508 (2003). Therefore, the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Ronald J. Israel, District Judge  
Kenneth Farris  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk