

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SID,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64242

FILED

JUN 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant David Sid's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Sid claims that the district court erred by denying his petition. We disagree.

Sid filed his petition on July 25, 2012, more than a year after entry of the judgment of conviction on July 13, 2011. Thus, Sid's petition was untimely filed. *See* NRS 34.726(1). Sid's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See id.* After an evidentiary hearing, the district court determined that Sid's counsel's failure to inform him of the right to an appeal and failure to file an appeal did not constitute good cause to excuse the filing of an untimely petition and denied the petition. We conclude that the district court did not err by denying the petition as procedurally barred, *see Harris v.*

Warden, 114 Nev. 956, 960, 964 P.2d 785, 788 (1998), and we

ORDER the judgment of the district court AFFIRMED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Elissa F. Cadish, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk