

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLIFF STEVENSON JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65039

**FILED**

JUN 11 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malm*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Appellant filed his petition on May 20, 2013, more than one year after issuance of the remittitur on direct appeal on May 9, 2012. *Jackson v. State*, Docket No. 58344 (Order of Affirmance, April 12, 2012). Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

Appellant claimed that the petition was timely filed from the date that the remittitur was received by the clerk of the district court. Appellant was mistaken. The plain language of NRS 34.726(1) clearly mandates that a post-conviction petition be filed within one year of when this court "issues" its remittitur. Further, this court has specifically held

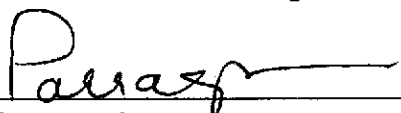
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

that the remittitur date is the date that remittitur is issued, not when the district court clerk files the remittitur. *Gonzales v. State*, 118 Nev. 590, 593, 53 P.3d 901, 902 (2002). Because appellant's petition was untimely and he failed to demonstrate good cause, we conclude that the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Cliff Stevenson Jackson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk