

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES ABRAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66784

FILED

MAR 17 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant filed his petition on June 9, 2014, more than one year after entry of the judgment of conviction on August 27, 2012.² Thus, appellant's petition was untimely filed. See NRS 34.726(1). Moreover, appellant's petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.³ See NRS 34.810(2). Appellant's petition was procedurally barred absent a

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).


²No direct appeal was taken.


³*Abrams v. State*, Docket No. 66418 (Order of Affirmance and Limited Remand to Correct the Judgment of Conviction, January 21, 2015).

demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

Appellant claimed that the district court lacked jurisdiction to adjudicate him as a habitual criminal. Appellant's claim failed to overcome the procedural bars because his claim did not implicate the jurisdiction of the courts. See Nev. Const. art. 6, § 6; NRS 171.010. In addition, appellant failed to demonstrate good cause because this claim was reasonably available to be raised in a timely petition. See *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (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.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Douglas W. Herndon, District Judge
James Abrams
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk