

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD ALLEN LANCASTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67867

FILED

OCT 19 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 Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

Appellant Richard Lancaster filed his petition on March 20, 2015, five years after entry of the judgment of conviction on March 26, 2010. Thus, Lancaster's petition was untimely filed. *See* NRS 34.726(1). Lancaster's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).


In an attempt to demonstrate cause for the delay, Lancaster claimed he was ignorant of the time restrictions for filing a post-conviction petition. This claim does not provide cause for the delay. Ignorance of the law is not an impediment external to the defense. *See Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988).


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude 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).

Lancaster also claimed the district court lacked jurisdiction over his case because he pleaded guilty to a fictitious charge which is unconstitutional. This claim did not implicate the jurisdiction of the district court. See Nev. Const. art. 6, § 6; NRS 171.010. Therefore, the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Lidia Stiglich, District Judge
Richard Allen Lancaster
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have reviewed all documents Lancaster has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Lancaster has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.