

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALLIENT MOORE,

No. 36320

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

NOV 19 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a post-conviction petition for a writ of habeas corpus.

On October 1, 1998, the district court convicted appellant Vallient Moore, pursuant to a jury verdict, of robbery with the use of a deadly weapon. The district court sentenced Moore to serve two consecutive terms of 30 to 180 months in prison. Moore appealed the conviction, arguing that the State presented insufficient evidence to support the jury's verdict. This court concluded that there was sufficient evidence to support the verdict and affirmed the judgment of conviction.¹ The remittitur issued on April 6, 1999.

On April 10, 2000, Moore filed in the district court a proper person post-conviction petition for a writ of habeas corpus. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel for Moore or to conduct an evidentiary hearing. On May 17, 2000, the district court denied the petition.

¹Moore v. State, Docket No. 33256 (Order Dismissing Appeal, March 11, 1999).

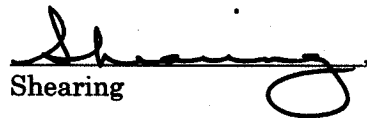
01-19277

Moore filed his petition more than one year after this court issued its remittitur from his direct appeal. NRS 34.726(1) provides that a petition must be filed within one year after this court issues its remittitur from a direct appeal unless the petitioner demonstrates good cause for the delay.

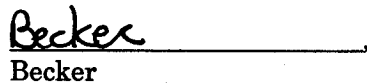
Moore failed to demonstrate good cause for his delay in filing the petition. In particular, he did not demonstrate that the delay was caused by some impediment external to the defense.² We therefore conclude that the district court should have dismissed the petition as untimely. Because the district court reached the correct result, we affirm the district court's order.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Brent T. Adams, District Judge
Attorney General
Washoe County District Attorney
Vallient Moore
Washoe County Clerk

²See Harris v. Warden, 114 Nev. 956, 959, 964 P.2d 785, 787 (1998).

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).