

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LESTER EUGENE SELANDER, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69259

FILED

JUN 22 2016

TRACIE K. HINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a post-sentence motion to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant Lester Selander, Jr., claims the district court erred by denying his motion to withdraw his guilty plea because defense counsel was ineffective for coercing the plea and failing to investigate the possibility of a statute-of-limitations defense.

We conclude the district court properly construed Selander's motion as a postconviction petition for a writ of habeas corpus. *See Harris v. State*, 130 Nev. ___, ___, 329 P.3d 619, 628 (2014) (holding postconviction petitions for writs of habeas corpus provide the exclusive remedy for challenging the validity of guilty pleas made after sentencing).


Selander's September 28, 2015, motion was untimely because it was filed more than two years after entry of the judgment of conviction

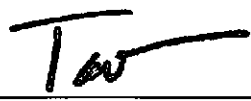
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

on July 22, 2013.² See NRS 34.726(1). Consequently, Selander's motion was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

Selander made no attempt to demonstrate good cause and actual prejudice, and he has not shown that the district court erred by dismissing his petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

²Selander's direct appeal was dismissed for lack of jurisdiction because the notice of appeal was untimely filed. *Selander v. State*, Docket No. 66053 (Order Dismissing Appeal, July 25, 2014). Accordingly, the proper date for measuring the timeliness of his habeas petition is the date the judgment of conviction was entered. See *Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.3d 1132, 1133-34 (1998).

³We have reviewed all documents Selander has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Selander 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.

cc: Hon. Douglas Smith, District Judge
Lester Eugene Selander, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk