

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CLARK K. MORSE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70317

FILED

DEC 14 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Clark Morse appeals from an order of the district court denying his postconviction petition for a writ of habeas corpus filed on November 9, 2015.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Morse claims the district court erred by denying his claim the district court erred at resentencing by sentencing him to consecutive sentences, which allegedly violated a Nevada Supreme Court order. Morse filed his petition on November 9, 2015, nearly 11 years after entry of the amended judgment of conviction on January 31, 2005.² Thus, Morse's petition was untimely filed. *See* NRS 34.726(1). Morse's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

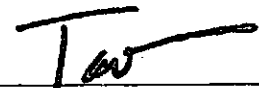
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²Morse's claim only challenges the amended judgment of conviction. *See Sullivan v. State*, 120 Nev. 537, 540-42, 96 P.3d 761, 763-65 (2004).

The district court concluded Morse failed to demonstrate good cause and prejudice to overcome the procedural bars. Substantial evidence supports the decision of the district court. *See Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Accordingly, we conclude the district court did not err by denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kerry Louise Earley, District Judge
Clark K. Morse
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We conclude the district court did not abuse its discretion by declining to appoint counsel to represent Morse in these proceedings. *See* NRS 34.750(1).