

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS VAIL,
Appellant,
vs.
WARDEN WILLIAMS,
Respondent.

No. 68289

FILED

JUN 17 2016

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

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying appellant Thomas Vail's postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Vail's petition was filed on December 31, 2014, more than one year after his judgment of conviction was entered on December 2, 2013.¹ See NRS 34.726. Thus, his petition was untimely filed. Vail failed to

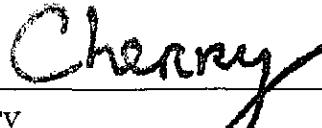
¹Vail pleaded guilty to theft in the amount of \$2,500 or more against a person 60 years of age or older and was sentenced to 26 to 72 months incarceration. The sentence was suspended and Vail was placed on probation. On December 30, 2013, the district court entered an amended judgment of conviction revoking his probation and imposing the underlying sentence.

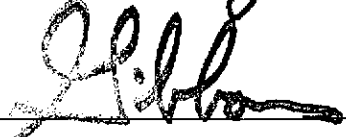
16-19052

demonstrate good cause and prejudice to excuse the untimely filing. *See id.* Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. Eric Johnson, District Judge
Thomas Vail
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

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