

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD BURROWS,

Appellant,

vs.

WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,

Respondent.

No. 37697

FILED

JAN 02 2002

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus.

On November 18, 1997, the district court convicted appellant, pursuant to a guilty plea, of one count of sexual assault. The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole. This court dismissed appellant's appeal from his judgment of conviction.¹ The remittitur issued on April 6, 1999.

On April 20, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State filed a motion to dismiss the petition on the ground that the petition was procedurally time-barred. Appellant did not file a response. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On March 20, 2001, the district court dismissed appellant's petition. This appeal followed.

Appellant filed his petition more than one year after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.² Appellant's petition was procedurally barred absent a

¹Burrows v. State, Docket No. 31452 (Order Dismissing Appeal, March 11, 1999).

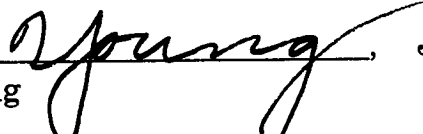
²See NRS 34.726(1).


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demonstration of cause for the delay and prejudice.³ Appellant did not attempt to demonstrate good cause for the delay. Thus, we conclude that the district court did not err in procedurally barring appellant's petition.

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.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Peter I. Breen, District Judge
Attorney General/Carson City
Washoe County District Attorney
Richard Burrows
Washoe County Clerk

³See id.

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).