

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH GEORGE TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38403

FILED

AUG 21 2002

ORDER OF AFFIRMANCE

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

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

On May 7, 1991, the district court convicted appellant, pursuant to a jury verdict, of sixteen counts of incest. The district court sentenced appellant to serve a total of ninety-six years in the Nevada State Prison. On appeal, this court reversed twelve of appellant's convictions on the grounds that they were based on conduct occurring outside the statutory limitation period for incest.¹ Because this court affirmed appellant's remaining convictions, appellant was left to serve a total of thirty-two years.

Appellant filed his first proper person post-conviction petition for a writ of habeas corpus in the district court on September 22, 1994. Appellant filed his second proper person post-conviction petition for a writ

¹Taylor v. State, Docket No. 22373 (Order Correcting Judgment of Conviction and Sentencing, July 9, 1993).

of habeas corpus in the district court on September 14, 1999. The district court denied both petitions. No appeal was taken from those decisions.

Appellant filed the instant proper person post-conviction petition for a writ of habeas corpus in the district court on June 22, 2001. The State opposed the petition. 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 July 30, 2001, the district court denied appellant's petition. This appeal followed.

We conclude that the district court did not err in denying appellant's petition. First, appellant's petition was filed approximately eight years after this court amended appellant's judgment of conviction, and was therefore untimely.² Second, appellant's petition was successive as he had previously filed two post-conviction petitions for writs of habeas corpus petition.³ Accordingly, appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.⁴ In his petition, appellant failed to assert any grounds as to why these procedural defects should be excused. Therefore, appellant failed to demonstrate good cause and prejudice.

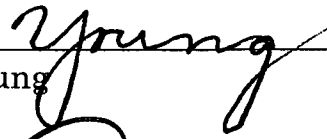
²See NRS 34.726(1).

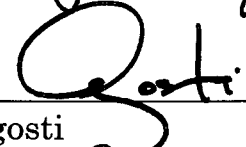
³See NRS 34.810(1)(b)(2); see also NRS 34.810(2).


⁴See NRS 34.726(1); NRS 34.810(1)(b); see also NRS 34.810(3).

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Michael A. Cherry, District Judge
Attorney General/Carson City
Clark County District Attorney
Joseph George Taylor
Clark County Clerk

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁶We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.