

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL T. RIVERA,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, CRAIG
FARWELL,
Respondent.

No. 39673

FILED

OCT 15 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
REPUTING CLERK

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Appellant was originally convicted, pursuant to a jury verdict, of one count of escape. The district court sentenced appellant to a prison term of 24 to 60 months.

On direct appeal, appellant's judgment of conviction was affirmed.¹ Remittitur issued on December 22, 1998. Appellant filed his proper person post-conviction petition for a writ of habeas corpus on May 16, 2001. The district court appointed counsel to represent appellant, and counsel filed a supplement to the petition. The State filed a motion to dismiss the petition as being untimely. Counsel for appellant did not oppose the motion. The district court granted the motion and dismissed the petition.

Appellant filed his petition more than two years after remittitur issued. Thus, appellant's petition was untimely filed.²

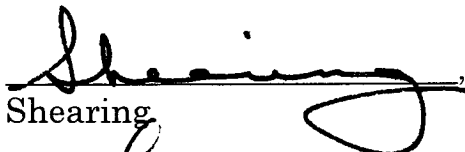
¹Rivera v. State, Docket No. 33133 (Order Dismissing Appeal, November 30, 1998).


²See NRS 34.726(1).

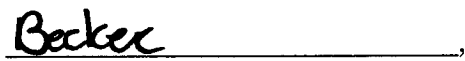
Appellant's petition was procedurally barred absent a demonstration of good cause for the delay and prejudice.³ Appellant failed even to allege good cause for the delay.

Appellant now argues that any delay can be attributed to counsel, that appellant did not understand the law, that the petition should not have been dismissed because it is appellant's first petition, and that NRS 34.726 violates the constitution. Appellant, however, has not provided any relevant authority in support of his arguments. Accordingly, we need not consider them.⁴ We therefore conclude that appellant has not demonstrated good cause to overcome the procedural bar and that the district court did not err in dismissing his petition. Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

³See id.

⁴See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

cc: Hon. J. Michael Memeo, District Judge
Matthew J. Stermitz
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk