

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARCHIE JOE MORRISON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39914

FILED

MAR 20 2003

ORDER OF AFFIRMANCE

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

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

On June 1, 2000, the district court convicted appellant Archie Joe Morrison, pursuant to a guilty plea, of robbery with the use of a deadly weapon. The district court sentenced Morrison to serve a term of seventy-two to one hundred and eighty months and an equal and consecutive term for the deadly weapon enhancement in the Nevada State Prison. No direct appeal was taken.

On November 27, 2000, Morrison filed his first proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Morrison or to

conduct an evidentiary hearing. On March 2, 2001, the district court denied the petition. This court affirmed that decision.¹

On March 14, 2002, Morrison filed the instant proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Morrison or to conduct an evidentiary hearing. On June 5, 2002, the district court denied Morrison's second petition as being procedurally barred. This appeal followed.

We conclude that the district court did not err in denying the petition. First, the petition was filed more than one year after the judgment of conviction, and was therefore untimely.² Second, the petition was successive as Morrison had previously filed a post-conviction petition for a writ of habeas corpus.³ Accordingly, the petition was procedurally barred absent a demonstration of good cause and prejudice.⁴ Morrison's claim that he does "does not know Law nor anything about the Law" does not constitute sufficient cause to excuse these procedural defects.

¹Morrison v. State, Docket No. 37549 (Order of Affirmance, January 2, 2002).

²See NRS 34.726(1).


³See NRS 34.810(2).

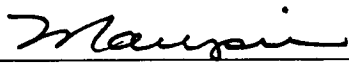
⁴See NRS 34.726(1); NRS 34.810(3).

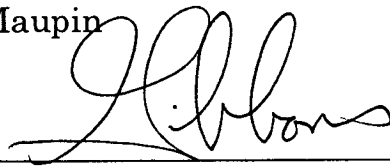
Therefore, Morrison failed to demonstrate good and excuse his procedural defects.⁵

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Morrison is not entitled to relief and that briefing and oral argument are unwarranted.⁶ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁷


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Archie Joe Morrison
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁵See Phelps v. Director, Prisons, 104 Nev. 656, 764 P.2d 1303 (1988).

⁶See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁷We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.