

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALICEA IRENE ALEXANDER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40155

ALICEA IRENE ALEXANDER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40206

FILED

MAY 23 2003

ORDER OF AFFIRMANCE

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

These are proper person appeals from orders of the district court denying appellant's post-conviction petition for a writ of habeas corpus. We elect to consolidate these appeals for disposition.<sup>1</sup>

On July 5, 1994, the district court convicted appellant, pursuant to a guilty plea, of one count of burglary in district court case number CR92-1436 and one count of possession of stolen property in district court case number CR92-2363. The district court sentenced appellant to serve a term of ten years in each district court case. The term for district court case number CR92-1436 was imposed to run consecutively to the term in district court case number CR92-2363. This court dismissed appellant's appeal from her judgments of conviction.<sup>2</sup> The remittitur issued on June 2, 1998.

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<sup>1</sup>See NRAP 3(b).

<sup>2</sup>Alexander v. State, Docket Nos. 25988, 26033, 26039 (Order Dismissing Appeals, May 13, 1998).

On May 7, 2002, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court designating each district court case. 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 31, 2002, the district court denied appellant's petition in each district court case. This appeal followed.

Appellant filed her petition almost four years after this court issued the remittitur from her direct appeal. Thus, appellant's petition was untimely filed.<sup>3</sup> Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.<sup>4</sup>

In an attempt to demonstrate cause for the delay, appellant argued she was not aware of the option to file a post-conviction petition, she received new information that the district court did not follow judicial procedure in her case, and she was never notified that her direct appeal had been dismissed. Based upon our review of the record on appeal, we conclude that the district court did not err in concluding that appellant failed to demonstrate good cause to excuse the delay.<sup>5</sup> Thus, we affirm the orders of the district court.

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<sup>3</sup>See NRS 34.726(1).

<sup>4</sup>See *id.*


<sup>5</sup>See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994) (holding that good cause must be an impediment external to the defense).

Having reviewed the records 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.<sup>6</sup> Accordingly, we

ORDER the judgments of the district court AFFIRMED.

  
\_\_\_\_\_, J.

Shearing

  
\_\_\_\_\_, J.

Leavitt

  
\_\_\_\_\_, J.

Becker

cc: Hon. James W. Hardesty, District Judge  
Alicea Irene Alexander  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>6</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).