

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARRY B. BROOKS A/K/A HARRY B.
BROOKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62149

FILED

JUL 23 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

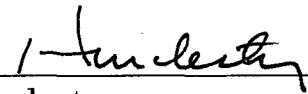
Appellant filed his petition on April 23, 2012, more than one year after issuance of the remittitur on direct appeal on April 4, 2011. *Brooks v. State*, Docket No. 52333 (Order of Affirmance, March 9, 2011). Thus, appellant's petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1); *Gonzales v. State*, 118 Nev. 590, 593, 53 P.3d 901, 902-03 (2002).

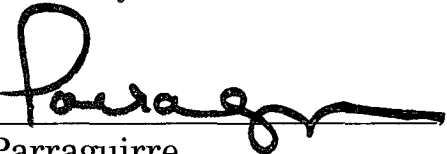
Appellant appeared to claim that he had good cause because he is uneducated and disabled. These were insufficient to demonstrate

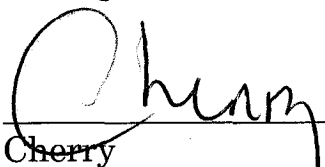
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cause for the delay. *See generally Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding that petitioner's claim of organic brain damage, borderline mental retardation, and reliance on assistance of inmate law clerk unschooled in the law did not constitute good cause for the filing of a successive post-conviction petition). Therefore, the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Linda Marie Bell, District Judge
Garry B. Brooks
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk