

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD DAVID ADORNO A/K/A
RICHARD T. SANDALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66029

FILED

OCT 15 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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 Fifth Judicial District Court, Esmeralda County; Robert W. Lane, Judge.

Appellant filed his petition on November 12, 2013, more than 30 years after entry of the judgment of conviction on October 5, 1983.² Thus, appellant's petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice.³ See NRS 34.726(1).

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

²No direct appeal was taken.

³In addition, we note that the petition was untimely from the January 1, 1993, effective date of NRS 34.726. See 1991 Nev. Stat., ch. 44,
continued on next page . . .

Appellant first claimed he had good cause because he has mental health problems, takes mental health medication, is not legally trained, and has to rely upon inmate law clerks. This claim did not provide good cause to overcome the procedural bars as it failed to demonstrate that there was an impediment external to the defense that prevented appellant from raising his claims in a timely petition. See *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 the assistance of an inmate law clerk unschooled in the law did not constitute good cause for the filing of a successive post-conviction petition).⁴

Second, appellant claimed that he had good cause due to counsel's failure to file a notice of appeal and failure to consult with him regarding a direct appeal. This failed to explain the more than 30-year delay in filing the instant post-conviction petition for a writ of habeas corpus, and appellant failed to demonstrate that he raised this claim within a reasonable time after learning that no notice of appeal had been filed. See *Hathaway v. State*, 119 Nev. 248, 254-55, 71 P.3d 503, 507-08

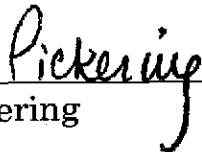
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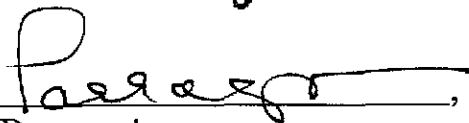
§ 33, at 92; *Pellegrini v. State*, 117 Nev. 860, 874-75, 34 P.3d 519, 529 (2001).


⁴We note that appellant was determined to be competent prior to entry of his guilty plea.

(2003). 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.
Pickering

_____, J.
Parraguirre

_____, J.
Saitta

cc: Hon. Robert W. Lane, District Judge
Richard David Adorno
Attorney General/Carson City
Esmeralda County District Attorney
Esmeralda County Clerk