

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT DEE VEACH,

No. 36828

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

DEC 04 2001

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

ORDER OF AFFIRMANCE

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

On April 22, 1997, the district court convicted appellant Robert Dee Veach, pursuant to a guilty plea, of sexual assault of a child under the age of sixteen years. The district court sentenced Veach to serve a term of life in prison with the possibility of parole after twenty years. Veach did not file a direct appeal.

On July 31, 2000, Veach filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The district court did not order the State to file a return or otherwise answer the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Veach or to conduct an evidentiary hearing. On August 23, 2000, the district court dismissed the petition. This appeal followed.

Veach filed his petition more than three years after entry of the judgment of conviction. Thus, Veach's petition was untimely filed.<sup>1</sup> Veach's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.<sup>2</sup>

In an attempt to demonstrate cause for the delay, Veach argued that he only recently learned of his ineffective assistance claims

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

<sup>2</sup>See *id.*

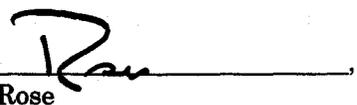
01-20247

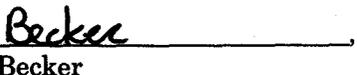
and that he was not informed of his right to a direct appeal. Neither of those allegations constitutes cause to excuse the untimely filing of a post-conviction petition.<sup>3</sup> Accordingly, we conclude that the district court did not err in dismissing the petition as untimely.

Having reviewed the record 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>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Shearing

 J.  
Rose

 J.  
Becker

cc: Hon. James W. Hardesty, District Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Robert Dee Veach  
Washoe County Clerk

---

<sup>3</sup>See Harris v. Warden, 114 Nev. 956, 964 P.2d 785 (1998) (holding that allegation that counsel failed to inform petitioner of right to direct appeal does not constitute good cause to excuse untimely filing of post-conviction petition); Lozada v. State, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994) (stating that good cause to excuse procedural default requires showing that "some impediment external to the defense" prevented the petitioner from complying with the procedural rule); Phelps v. Director, Prisons, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (concluding that allegations of organic brain damage and reliance on inmate law clerk who was unschooled in the law did not constitute good cause to excuse procedural default).

<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).