

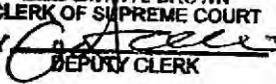
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BARRON HAMM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83087-COA

FILED

FEB 09 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Barron Hamm appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Hamm argues the district court erred by denying his February 2, 2021, petition.<sup>1</sup> Hamm filed his petition more than ten years after entry of the judgment of conviction on May 20, 2010.<sup>2</sup> Thus, Hamm's petition was untimely filed. *See* NRS 34.726(1). Hamm's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Hamm did not attempt to demonstrate cause for

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<sup>1</sup>Hamm filed a petition entitled "petition requesting the defendant's sentencing be set aside and his guilty plea agreement be withdrawn from record." In light of Hamm's claims, the district court properly construed the petition as a postconviction petition for a writ of habeas corpus. *See Harris v. State*, 130 Nev. 435, 448-49, 329 P.3d 619, 628 (2014).

<sup>2</sup>Hamm's direct appeal was dismissed for lack of jurisdiction because the notice of appeal was untimely filed. *Hamm v. State*, Docket No. 56559 (Order Dismissing Appeal, September 10, 2010). Accordingly, the proper date to measure timeliness is the entry of the judgment of conviction. *See Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133-34 (1998).

his delay. Therefore, we conclude that the district court did not err by denying Hamm's petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

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

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

cc: Hon. Ronald J. Israel, District Judge  
Barron Hamm  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk