

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE ARNOLD TINER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41651

FILED

MAR 23 2004

ORDER OF AFFIRMANCE

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

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 July 26, 1999, the district court convicted appellant, pursuant to a guilty plea, of one count of sexual assault on a child under the age of 16 years and one count of statutory sexual seduction. The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole for sexual assault and a consecutive term of 12 to 36 months for sexual seduction. This court affirmed the judgment of conviction on direct appeal.¹ The remittitur issued on November 7, 2000.

On April 18, 2002, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition and filed a motion to dismiss the petition. Appellant filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an


¹Tiner v. State, Docket No. 34806 (Order of Affirmance, October 10, 2000).


evidentiary hearing. On May 13, 2003, the district court dismissed appellant's petition. This appeal followed.


Appellant filed his petition approximately one and one-half years after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.² Appellant's petition was procedurally barred absent a demonstration of cause for the delay and prejudice.³ Appellant did not attempt to demonstrate good cause for the delay. Thus, we conclude that the district court did not err in dismissing appellant's petition as procedurally time-barred.

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.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

²See NRS 34.726(1).

³See *id.*

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

cc: Hon. Steve L. Dobrescu, District Judge
Bruce Arnold Tiner
Attorney General Brian Sandoval/Carson City
Eureka County District Attorney
Eureka County Clerk