

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53
- 54
- 55
- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75
- 76
- 77
- 78
- 79
- 80
- 81
- 82
- 83
- 84
- 85
- 86
- 87
- 88
- 89
- 90
- 91
- 92
- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 100

FILED

2009 MAY 29 A 11: 15

E. J. [Signature]
CLERK OF THE COURT

53779

Plaintiff,

VS.

CASE NO.: C129824

GARY LYNN LEWIS,

DEPT. NO.: XII

Defendant.

FILED

JUN 03 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
FOR DEPUTY CLERK

ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

IT IS HEREBY ORDERED, the Court is without jurisdiction to hear this petition because it is time barred. NRS 34.726 provides that: "Unless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed within one year after entry of the judgment or conviction, or if an appeal has been taken from the judgment, within one year after entry the Supreme Court issues its remittitur." Judgment was entered and petitioner was sentenced on August 2, 1996. Thus, he has failed to meet the one year period of limitation for filing a habeas petition challenging his confinement.

///

///

///

RECEIVED
JUN 03 2008
THASIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

09-13897

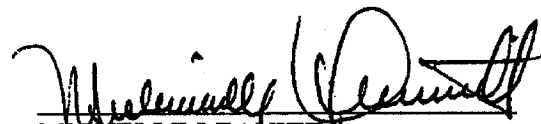
CLERK OF THE COURT

MAY 29 2009

RECEIVED

MICHELLE LEAVITT
DISTRICT JUDGE
DEPARTMENT TWELVE
LAS VEGAS NV 89155

1 A time barred petition may be permitted where good cause is shown. Good
2 cause exists where (1) delay is not the fault of the petitioner, and (2) dismissal of the
3 petition as untimely would be unduly prejudicial to petitioner. NRS 34.726(1)(a)-(b).
4
5 Petitioner has made no attempt to demonstrate good cause as required by the statute.
6 NRS 34.726(1)(a)-(b).
7
8
9

10 
11 MICHELLE LEAVITT
12 DISTRICT COURT JUDGE
13 DEPARTMENT XII


5/19/09

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on the date filed, I mailed a copy of this Order Denying
16 Defendant's Petition for Writ of Habeas Corpus via U.S. Mail, postage-prepaid to the
17 following:

18 **Gary Lynn Lewis, #47615**
19 **P.O. Box 607**
20 **Carson City, NV 89702**

21 I hereby certify that on the date filed, I placed a copy of this Order Denying
22 Defendant's Petition for Writ of Habeas Corpus in District Attorney, David Roger's
23 mail folder on the third floor, Regional Justice Center, County Clerk's Office.

24 
25 Sue K. Deaton
26 Judicial Executive Assistant, Dept. XII

27 C129824

28 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS NV 89155

MAY 29 2009