

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUDE TROY CZIBOK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43204

**FILED**

**DEC 13 2004**

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Third Judicial District Court, Churchill County; David A. Huff, Judge.

On April 10, 2000, the district court convicted appellant, pursuant to a jury verdict, of trafficking in a controlled substance. The district court sentenced appellant to serve a term of 25 years in the Nevada State Prison, with parole eligibility after 10 years.<sup>1</sup> This court affirmed the judgment of conviction and sentence on appeal.<sup>2</sup> The remittitur issued on December 11, 2001.

On April 25, 2002, appellant filed a proper person post-conviction petition for a writ of habeas corpus. The district court appointed counsel, and counsel filed a supplemental petition. The district court conducted an evidentiary hearing, and on June 27, 2003, the district

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<sup>1</sup>The district court entered an amended judgment of conviction on February 25, 2002, which awarded appellant 177 days credit for time served.

<sup>2</sup>Czibok v. State, Docket No. 35951 (Order of Affirmance, November 13, 2001).

court denied the petition. This court affirmed the district court's order on appeal.<sup>3</sup>

On April 8, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On April 16, 2004, the district court denied appellant's petition. This appeal followed.

Appellant filed his petition more than two years after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.<sup>4</sup> Moreover, appellant's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus.<sup>5</sup> Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.<sup>6</sup> Good cause must be an impediment external to the defense.<sup>7</sup>

In an attempt to excuse his procedural defects, appellant argued that some claims are re-raised because "new grounds and supporting facts have to be exhausted in state courts" and new claims are being raised "due to petitioner's ignorance of the law."

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<sup>3</sup>Czibok v. State, Docket No. 41867 (Order of Affirmance, March 29, 2004).

<sup>4</sup>See NRS 34.726(1).

<sup>5</sup>See NRS 34.810(1)(b)(2); NRS 34.810(2).

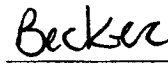
<sup>6</sup>See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).


<sup>7</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).


Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant failed to demonstrate good cause to excuse his procedural defects. Appellant's lack of legal training does not constitute good cause.<sup>8</sup> Additionally, raising claims for the purpose of exhausting state remedies does not constitute good cause. Finally, to the extent that appellant raised claims previously raised, the doctrine of law of the case prevents further litigation of these issues.<sup>9</sup> Therefore, we affirm the order of the district court denying appellant's petition.

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>10</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Agosti

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

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<sup>8</sup>See Phelps v. Director, Prisons, 104 Nev. 656, 764 P.2d 1303 (1988).

<sup>9</sup>See Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975).

<sup>10</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. David A. Huff, District Judge  
Jude Troy Czubok  
Attorney General Brian Sandoval/Carson City  
Churchill County District Attorney  
Churchill County Clerk