


IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL S. FRENCH A/K/A MICHAEL
STEVEN FRENCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62627

FILED

DEC 12 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant filed his petition on November 6, 2012, more than seven years after entry of the judgment of conviction on August 10, 2005. Thus, appellant's petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and actual prejudice. See NRS 34.726(1). Cause for the delay must be an “impediment external to the defense.” *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Moreover, because the State specifically pleaded laches, appellant was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2).

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Appellant claimed that he had cause for the delay because he was recently diagnosed with post-traumatic stress disorder and is only requesting to be resentenced in a "veterans court." He also asserted that he is not a lawyer and does not understand the law. 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 cause for the delay. Appellant's mental health issues and lack of knowledge about the law are not impediments external to the defense. *See Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Accordingly, we conclude that the district court did not err in denying appellant's petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cherry, J.
Cherry

cc: Hon. Kathleen E. Delaney, District Judge
Michael S. French
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk