

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CONNORS A/K/A WILLIAM  
JOHN CONNORS, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63124

**FILED**

NOV 14 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

Appellant filed his petition on January 22, 2013, more than eleven years after this court dismissed the direct appeal pursuant to appellant's request for voluntary dismissal.<sup>2</sup> *Connors v. State*, Docket No. 36729 (Order Dismissing Appeal, January 29, 2001). Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Appellant's petition was

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<sup>1</sup>This 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).

<sup>2</sup>Because no remittitur is issued when a party voluntarily dismisses an appeal, *see* NRAP 42(b), the time to file a petition is one year from entry of the order dismissing the appeal.

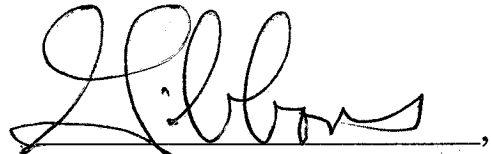
procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Further, because the State specifically pleaded laches, appellant was required to overcome the presumption of prejudice to the State. *See* NRS 34.800(2).

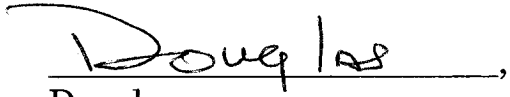
Appellant's attempt to excuse his procedural defects by arguing that the district court lacked subject matter jurisdiction lacked merit. Appellant claimed that the statutes under which he was charged and convicted were unconstitutional, as they did not contain the enacting clause mandated by Article 4, Section 23 of the Nevada Constitution. Appellant's claim conflates the laws of Nevada with the codified statutes. The Nevada Revised Statutes "constitute the official codified version of the Statutes of Nevada and may be cited as prima facie evidence of the law." NRS 220.170(3). The Nevada Revised Statutes consist of enacted laws which have been classified, codified, and annotated by the Legislative Counsel. *See* NRS 220.120. The actual laws of Nevada are contained in the Statutes of Nevada, which do contain the mandatory enacting clauses. Moreover, NRS 220.110, which sets forth the required contents of the Nevada Revised Statutes, does not mandate that the enacting clauses be republished in the Nevada Revised Statutes. Thus, we conclude that the fact that the Nevada Revised Statutes do not contain enacting clauses does not render the statutes unconstitutional, indicating that the district court did not lack subject matter jurisdiction over appellant.

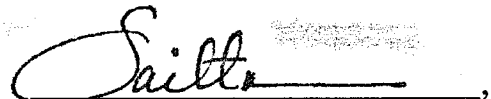
Appellant failed to demonstrate cause for the delay and undue prejudice to overcome the procedural default rules. Appellant further failed to overcome the presumption of prejudice to the State. Thus, the

district court did not err in denying the petition as procedurally barred.  
Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Jerome T. Tao, District Judge  
William Connors  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>3</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.