

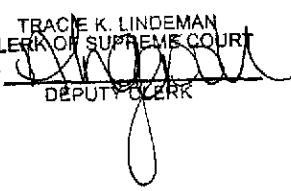
IN THE SUPREME COURT OF THE STATE OF NEVADA

EDDIE EARVIN BELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63680

FILED

FEB 12 2014

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; David B. Barker, Judge.

Appellant filed his petition on March 20, 2013, eight years after issuance of the remittitur on direct appeal on December 28, 2004. *Bell v. State*, Docket No. 42569 (Order of Affirmance, December 1, 2004). Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Moreover, appellant's petition was successive because he had previously filed two post-conviction petitions for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petitions.² *See* NRS 34.810(2). Appellant's petition was procedurally barred absent a demonstration of


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).

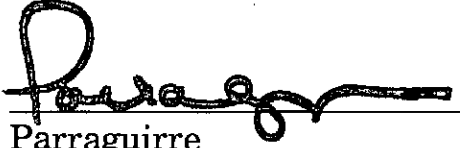
²*Bell v. State*, Docket No. 46241 (Order of Affirmance, March 22, 2006); *Bell v. State*, Docket No. 49362 (Order of Affirmance, December 10, 2007).


good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3). Moreover, because the State specifically pleaded laches, appellant was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2).

Appellant claimed that the procedural bars did not apply because the district court did not have jurisdiction to convict him as the laws reproduced in the Nevada Revised Statutes did not contain an enacting clause as required by the Nevada Constitution. Nev. Const. art. 4, § 23. Appellant's claim is without merit. Appellant's claim did not implicate the jurisdiction of the courts. Nev. Const. art. 6, § 6; NRS 171.010. Moreover, the Statutes of Nevada contain the laws with the enacting clauses required by the constitution. The Nevada Revised Statutes reproduce those laws as classified, codified, and annotated by the Legislative Counsel. NRS 220.120. Therefore, the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

³We 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.

cc: Hon. David B. Barker, District Judge
Eddie Earvin Bell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk