

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JONATHAN WAYNE ROGERS,
Appellant,
vs.
DWIGHT NEVEN, WARDEN,
Respondent.

No. 66883

FILED

MAR 17 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Appellant filed his petition on August 16, 2013, more than one year after entry of the judgment of conviction on December 22, 2011. Thus, appellant's petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

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).

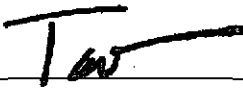
First, appellant claimed that the procedural bar did not apply because the district court did not have jurisdiction to convict him as the laws reproduced in the Nevada Revised Statutes did not contain an enacting clause as required by the Nevada Constitution. *See Nev. Const. art. 4, § 23.* Appellant also claimed that the district court lacked jurisdiction because the statute permitting the creation of the Nevada Revised Statutes was approved by the legislature and not the citizens of Nevada. These claims did not demonstrate good cause to overcome the procedural time bar. Appellant's claims 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 220.110; NRS 220.120.*

Second, appellant claimed that he had good cause because he only learned the legal basis for his claims in August of 2013. That appellant only learned the legal basis for his claims shortly before he filed the instant petition did not demonstrate that there was an impediment external to the defense that prevented appellant from filing a timely petition. *See Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506*

(2003). Therefore, the district court did not err in dismissing the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Janet J. Berry, District Judge
Jonathan Wayne Rogers
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have reviewed all documents that appellant has submitted 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.