

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN EARL HILLARD, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68222

FILED

NOV 19 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 postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Appellant Steven Earl Hillard, Sr., filed his petition on March 2, 2015, almost five years after entry of the judgment of conviction on March 26, 2010.² Thus, Hillard'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).

Hillard appeared to claim he had good cause because he recently learned the statutes controlling his conviction were not properly passed by the legislature in accordance with the Nevada Constitution. This claim did not constitute good cause because it was reasonably available to be raised in a timely petition. *See Hathaway v. State*, 119


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


²No direct appeal was taken.

Nev. 248, 252-53, 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.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge
Steven Earl Hillard, Sr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We also conclude the district court did not err in denying Hillard's requests for an evidentiary hearing and the appointment of counsel. In addition, we have reviewed all documents Hillard has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Hillard has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.