

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CECIL R. COGMON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68653

FILED

DEC 29 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 denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Appellant Cecil Cogmon filed his petition on May 11, 2015, nearly 5 years after entry of the judgment of conviction on August 2, 2010. Thus, Cogmon's petition was untimely filed.² See NRS 34.726(1). Cogmon's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*


In an attempt to demonstrate good cause, Cogmon claimed he asked counsel to file an appeal from his judgment of conviction but counsel failed to do so. This good cause claim was raised and rejected by the Nevada Supreme Court. See *Cogmon v. State*, Docket No. 64418 (Order of Affirmance, April 10, 2014). The doctrine of law of the case prevents

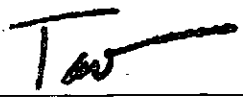
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3); (g).

²No direct appeal was taken.

further litigation of this claim and cannot be avoided by a more detailed and precisely focused argument. *See Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975). Therefore, the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Susan Johnson, District Judge
Cecil R. Cogmon
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk