

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDREW JEFFERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68085

FILED

DEC 29 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Appellant Andrew Jefferson filed his petition on November 19, 2013, more than a year after entry of the judgment of conviction on November 7, 2012.¹ Therefore, Jefferson's petition was untimely and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).


In an attempt to excuse his procedural default, Jefferson claimed that he was deprived of meaningful access to the prison law library. The district court conducted an evidentiary hearing on Jefferson's good-cause claim and found that Jefferson was provided with access to the prison law library, he signed into the prison law library 16 times, he was never prevented from accessing the prison law library, and he did not establish legal cause to excuse the procedural default.


¹Jefferson did not pursue a direct appeal.

Our review of the record reveals the district court's factual findings are supported by substantial evidence and are not clearly erroneous, and we conclude Jefferson has not demonstrated that the district court erred by denying his petition. *See State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) ("Application of the statutory procedural default rules to post-conviction habeas petitions is mandatory."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Susan Johnson, District Judge
Law Office of Kristina Wildeveld
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk