

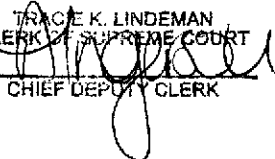
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER SOUND O'NEILL,
A/K/A CHRISTOPHER SOUND LOGAN,
Appellant,
vs.
JAMES COX, DIRECTOR,
Respondent.

No. 69558

FILED

JUL 27 2016

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF 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 Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

Appellant Christopher Sound O'Neill filed his petition on May 19, 2015, more than eight years after issuance of the remittitur on direct appeal on April 3, 2007. *O'Neill v. State*, 123 Nev. 9, 153 P.3d 38 (2007). Thus, O'Neill's petition was untimely filed. *See* NRS 34.726(1). Moreover, O'Neill's petition was successive because he had previously filed two postconviction 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(1)(b)(2); NRS 34.810(2).

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).


²*O'Neill v. State*, Docket No. 59616 (June 13, 2012); *O'Neill v. State*, Docket No. 56495 (Order of Affirmance, November 17, 2011).

O'Neill's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

O'Neill claimed ineffective assistance of postconviction counsel excused his procedural defects. Ineffective assistance of postconviction counsel was not good cause in the instant case because the appointment of counsel in the prior postconviction proceedings was not statutorily or constitutionally required. See *Brown v. McDaniel*, 130 Nev. ___, ___, 331 P.3d 867, 871-72 (2014); *Crump v. Warden*, 113 Nev. 293, 303, 934 P.2d 247, 253 (1997); *McKague v. Warden*, 112 Nev. 159, 164, 912 P.2d 255, 258 (1996). Therefore, the district court did not err in dismissing the petition as procedurally barred and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elliott A. Sattler, District Judge
Christopher Sound O'Neill
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk