

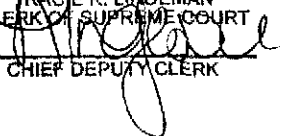
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID COLE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69487

FILED

JUL 27 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF 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.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant David Cole filed his petition on September 8, 2015, more than three years after entry of the judgment of conviction on January 9, 2012.<sup>2</sup> Thus, Cole's petition was untimely filed. See NRS 34.726(1). Cole's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

Cole appeared to argue he had good cause because the Nevada Revised Statutes used to convict him are void due to the failure to contain enacting clauses. Cole failed to demonstrate this issue provided good cause because it was reasonably available to be raised in a timely petition. See *Hathaway v. State*, 119 Nev. 248, 252-53 71 P.3d 503, 506 (2003).


---


<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

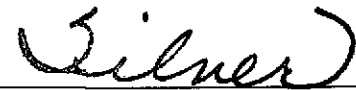
<sup>2</sup>Cole did not pursue a direct appeal.

Moreover, the Statutes of Nevada contain the laws with the enacting clauses required by the Nevada Constitution. See Nev. Const. art. 4, § 23. The Nevada Revised Statutes reproduce those laws as classified, codified, and annotated by the Legislative Counsel. NRS 220.110; NRS 220.120. Accordingly, we conclude 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. Kathleen E. Delaney, District Judge  
David Cole  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk