

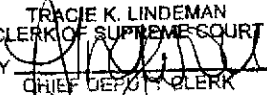
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GASTON JOSEPH DANJOU,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69214

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.¹ Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Appellant Gaston Joseph Danjou filed his petition on August 21, 2015, more than three years after entry of the judgment of conviction on March 12, 2012.² Thus, Danjou's petition was untimely filed. See NRS 34.726(1). Moreover, Danjou's petition constituted an abuse of the writ as he raised a number of claims new and different from those raised in his previous petition.³ See NRS 34.810(2). Danjou's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

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

²No direct appeal was taken.

³*Danjou v. State*, Docket No. 67821 (Order of Affirmance, December 18, 2015).

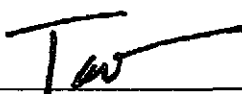
16-900268

First, Danjou claimed he had good cause because he speaks limited English, and has no access to French-language legal material or French-speaking law clerks. This court has already concluded Danjou's language barrier did not constitute good cause. *Danjou v. State*, Docket No. 67821 (Order of Affirmance, December 18, 2015). The doctrine of the law of the case prevents further litigation of this issue and "cannot be avoided by a more detailed and precisely focused argument." *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Accordingly, we conclude Danjou is not entitled to relief.

Second, Danjou appeared to assert he had good cause due to his postconviction counsel's failure to raise a number of claims in his prior petition. Ineffective assistance of postconviction counsel was not good cause in this 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, we conclude the district court properly denied 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
Gaston Joseph Danjou
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk