

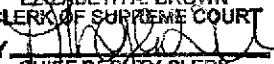
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS ROBERT HUNT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70605

**FILED**

MAR 22 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Appellant Marcus Hunt appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus, a petition for a writ of extraordinary relief, and a motion to appoint counsel.<sup>1</sup> Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Hunt filed his postconviction petition for a writ of habeas corpus on March 3, 2016, more than one year after issuance of the remittitur on direct appeal on February 11, 2013. *Hunt v. State*, Docket No. 60805 (Order of Affirmance, January 16, 2013). Thus, Hunt's petition was untimely filed. *See* NRS 34.726(1). Moreover, Hunt's petition was successive because he had previously filed a postconviction petition 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 petition.<sup>2</sup> *See* NRS 34.810(2). Hunt's petition was procedurally barred absent a

<sup>1</sup>This 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).

<sup>2</sup>*Huntt* [sic] *v. State*, Docket No. 64250 (Order of Affirmance, March 11, 2014).

demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

Hunt claimed he had good cause to overcome the procedural bars because his claims were based on newly discovered evidence that the Nevada Revised Statutes were not properly enacted and because subject-matter jurisdiction can be raised at any time.


Hunt failed to demonstrate good cause to overcome the procedural bars because his claims regarding the Nevada Revised Statutes were available to be raised in a timely petition and ignorance of the law is not an impediment external to the defense. See *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003); *Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Hunt also failed to demonstrate his claims regarding the Nevada Revised Statutes implicated the jurisdiction of the district court. See Nev. Const. art. 6, § 6; NRS 171.010; *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the court’s statutory or constitutional power to adjudicate the case.” (internal quotation marks omitted)). Hunt claimed the enactment of the Nevada Revised Statutes was flawed and unconstitutional because several requirements of the bill creating the Nevada Revised Statutes were not met and members of the Nevada Supreme Court improperly participated in their creation in 1957.


Hunt conflates the laws of Nevada with the codified statutes. The Nevada Revised Statutes merely “constitute the official codified version of the Statutes of Nevada and may be cited as prima facie evidence of the law.” NRS 220.170(3). The Nevada Revised Statutes consist of enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. The actual laws of Nevada are

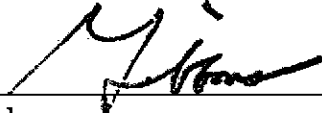
contained in the Statutes of Nevada. Thus, Hunt failed to demonstrate the district court lacked subject-matter jurisdiction over him. Therefore, Hunt failed to demonstrate good cause to overcome the procedural bars, and we conclude the district court did not err in denying the postconviction petition for a writ of habeas corpus as procedurally barred.

In his petition for a writ of extraordinary relief filed on March 3, 2016, Hunt challenged his judgment of conviction, and requested the district court to expunge his conviction and order his immediate release from prison. We conclude the district court correctly denied the petition because Hunt improperly challenged the validity of a judgment of conviction through a petition for a writ of extraordinary relief. *See* NRS 34.160; NRS 34.320; NRS 34.724(2) (stating a postconviction petition for a writ of habeas corpus is the proper vehicle with which to challenge a judgment of conviction). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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<sup>3</sup>We also conclude the district court did not abuse its discretion in declining to appoint postconviction counsel. *See* NRS 34.750(1).

cc: Hon. Jennifer P. Togliatti, District Judge  
Marcus Robert Hunt  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk