


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENTRELL D. WELCH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70029

**FILED**

MAR 22 2017

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

*ORDER OF AFFIRMANCE*

Appellant Kentrell Welch appeals from an order denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Welch filed his petition on November 24, 2015, more than seven years after entry of the judgment of conviction on September 15, 2008. Thus, Welch's petition was untimely filed. *See* NRS 34.726(1). Welch's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Moreover, because the State specifically pleaded laches, Welch was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2). The district court found Welch failed to demonstrate good cause to overcome the procedural bar and he failed to rebut the presumption of prejudice to the State and denied the petition.

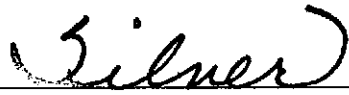
Welch fails to argue the district court erred by determining his petition was procedurally barred and was barred by laches. Instead,

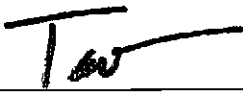
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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

Welch raises new claims on appeal that were not raised in his petition filed below. Because Welch fails to demonstrate the district court erred by denying the petition based on the procedural bars and laches, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Stefany Miley, District Judge  
Kentrell D. Welch  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk