

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRELL COCHISE YOUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69628

FILED

DEC 28 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Terrell Young appeals an order of the district court dismissing his postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Young filed his petition on September 22, 2015, nine years after entry of the judgment of conviction on August 3, 2006. Thus, Young's petition was untimely filed.² See NRS 34.726(1). Moreover, Young's petition was successive because he had previously filed two postconviction petitions for a writ of habeas corpus.³ See NRS 34.810(1)(b)(2); NRS 34.810(2). Young'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). Moreover, because the State specifically pleaded laches, Young was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2).

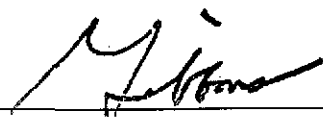
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

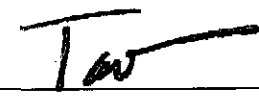
²No direct appeal was taken.


³Young did not appeal the denial of his previous petitions.

The district court determined Young failed to demonstrate, or even allege, good cause to excuse the procedural bars and he failed to overcome the presumption of prejudice to the State. On appeal, Young does not challenge these determinations. Instead, Young argues the merits of the claims raised below. We conclude the district court did not err by finding Young failed to demonstrate good cause to overcome the procedural bars or that he failed to overcome the presumption of prejudice to the State. Accordingly, we conclude 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. William D. Kephart, District Judge
Terrell Cochise Young
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk