

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 71229

FILED

JUL 12 2017

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

ORDER OF AFFIRMANCE

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

Young argues the district court erred in denying his petition as procedurally barred. Young filed his petition on February 9, 2016, more than nine years after entry of the judgment of conviction on August 3, 2006. Thus, Young's petition was untimely filed. *See* NRS 34.726(1). Moreover, Young's petition was successive because he had previously filed several postconviction petitions 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 petitions.² *See* NRS 34.810(1)(b)(2); NRS

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

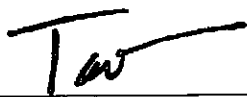
²*Young v. State*, Docket No. 69628 (Order of Affirmance, December 28, 2016). Young also filed postconviction petitions for a writ of habeas corpus in the district court on December 12, 2006 and February 27, 2007, but he did not appeal from the denial of those petitions.


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. See NRS 34.800(2).

Young argued he had good cause due to the ineffective assistance of postconviction counsel. However, ineffective assistance of postconviction counsel was not good cause in the instant case because the appointment of counsel 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). Therefore, the district court did not err in denying this petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. William D. Kephart, District Judge
Terrell Cochise Young
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk