

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL T. WILLIAMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71469

FILED

SEP 13 2017

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

ORDER OF AFFIRMANCE

Michael T. Williams appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus he filed on May 27, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Williams filed his petition more than 14 years after issuance of the remittitur on direct appeal on March 12, 2002. *See Williams v. State*, Docket No. 36414 (Order of Affirmance, February 13, 2002). Thus, Williams' petition was untimely filed. *See NRS 34.726(1)*. Moreover, Williams' petition was successive because he had previously filed several postconviction petitions for a writ of habeas corpus.<sup>2</sup> *See NRS 34.810(1)(b)(2); NRS 34.810(2)*. Williams' petition was procedurally barred

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

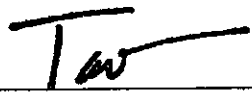
<sup>2</sup>*Williams v. State*, Docket No. 49447 (Order of Affirmance, November 14, 2007); *Williams v. State*, Docket No. 41365 (Order of Affirmance, February 19, 2004). Williams failed to file a timely notice of appeal from a petition filed on March 13, 2006, *see Williams v. State*, Docket No. 47769 (Order Dismissing Appeal, November 9, 2006), and voluntarily withdrew a petition filed on February 23, 2016, in the district court.

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

Williams argued the district court erred by denying his petition as procedurally barred because his claim implicated the jurisdiction of the district court and subject matter jurisdiction can be raised at any time. Specifically, he claimed the district court lacked jurisdiction because the State presented testimony from a victim who was not named in the police reports or the charging document and then added charges related to that victim. The Nevada Supreme Court considered and rejected this jurisdictional claim in a previous postconviction petition, see *Williams v. State*, Docket No. 49447 (Order of Affirmance, November 14, 2007), and, therefore, this claim was barred by the doctrine of law of the case, see *Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975). 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 conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. See NRS 34.750(1); *Renteria-Nova*, 133 Nev. \_\_\_, \_\_\_, 391 P.3d 760, 760-61 (2017).

cc: Hon. Kerry Louise Earley, District Judge  
Michael T. Williams  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk