

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PATRICK DOYLE OLSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72337

FILED

OCT 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Patrick Doyle Olson appeals from a district court order dismissing the postconviction petition for a writ of habeas corpus he filed on November 4, 2016.¹ Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Olson did not file a direct appeal and his habeas petition was filed more than three years after the judgment of conviction was entered on April 30, 2013; consequently, Olson's petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

Olson claimed he had good cause to overcome the procedural bar because his claims were based on newly discovered evidence that the bill creating the Nevada Revised Statutes was not properly enacted into law and because subject matter jurisdiction can be raised at any time. Olson argued that the bill was flawed and unconstitutional because the procedural

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

requirements for enacting a bill into law were not followed, justices of the Nevada Supreme Court improperly participated in the legislative process, and the law does not contain an enacting clause.


Olson has failed to demonstrate good cause 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. 24, 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). Olson 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 courts’ statutory or constitutional *power* to adjudicate the case.” (internal quotation marks omitted)).

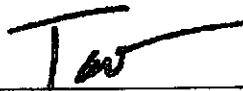
Olson confuses Nevada’s actual laws with Nevada’s codified statutes. The Nevada Revised Statutes “constitute the official codified version of the Statutes of Nevada and may be cited as *prima facie* evidence of the law.” NRS 220.170(3). The Nevada Revised Statutes consist of enacted laws which have been classified, codified, and annotated by the Legislative Counsel. *See NRS 220.120*. The actual laws of Nevada are contained in the Statutes of Nevada.²


²The law creating the Nevada Revised Statutes contains an enacting clause and is found in the 1957 Statutes of Nevada, in chapter 2, on page 1.

Having concluded Olson failed to demonstrate good cause to overcome the procedural bar and the district court did not err by dismissing his petition as procedurally barred, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Villani, District Judge
Patrick Doyle Olson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³To the extent Olson claims he is actually innocent, we decline to consider his claim because it was not raised in his petition or considered by the district court in the first instance. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2003).