

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY LYNN FRANKLIN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73092

**FILED**

JAN 09 2018

ELIZABETH A. BROWN  
CLERK OF THE APPEALS COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jeffrey Lynn Franklin appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior Judge.

Franklin filed his petition on November 15, 2016, more than eight years after issuance of the remittitur on direct appeal on January 22, 2008. *Franklin v. State*, Docket No. 48848 (Order of Affirmance, December 27, 2007). Thus, Franklin's petition was untimely filed. *See* NRS 34.726(1). Moreover, Franklin's 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). Franklin's petition was procedurally barred

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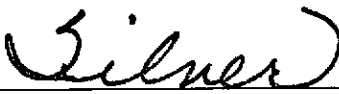
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


<sup>2</sup>*Franklin v. State*, Docket No. 67755 (Order of Affirmance, August 4, 2015); *Franklin v. State*, Docket No. 67295 (Order of Affirmance, May 20, 2015); *Franklin v. State*, Docket No. 65231 (Order of Affirmance, July 23, 2014); *Franklin v. State*, Docket No. 63352 (Order of Affirmance, December 12, 2013); *Franklin v. State*, Docket No. 52422 (Order of Affirmance, December 11, 2009).


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, Franklin was required to overcome the rebuttable presumption of prejudice. See NRS 34.800(2).

Franklin did not attempt to demonstrate good cause to overcome the procedural bars and he did not attempt to overcome the rebuttable presumption of prejudice to the State. Accordingly, we conclude the district court did not err in denying the petition as procedurally barred. Therefore, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Chief Judge, Eighth Judicial District Court  
Hon. Joseph T. Bonaventure, Senior Judge  
Jeffrey Lynn Franklin  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk