

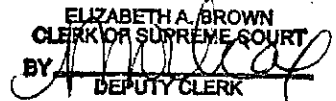
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REGINALD FRANKLIN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72177

FILED

NOV 14 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Reginald Franklin appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on August 31, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Franklin's petition was untimely because it was filed more than seven years after the remittitur on direct appeal was issued on August 18, 2009,<sup>2</sup> *see* NRS 34.726(1), and it was successive because he had previously filed a postconviction petition for a writ of habeas corpus,<sup>3</sup> *see* NRS 34.810(2). These procedural bars were unexcused because Franklin made no attempt to show good cause for filing a late and successive petition. *See* NRS 34.726(1); NRS 34.810(3). Accordingly, we conclude the district court did not err by denying Franklin's petition as procedurally-barred, *see State*

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

<sup>2</sup>*See Franklin v. State*, Docket No. 50229 (Order of Affirmance, July 23, 2009).

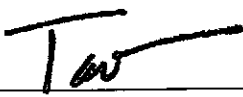
<sup>3</sup>*See Franklin v. State*, Docket No. 60808 (Order of Affirmance, October 17, 2013).

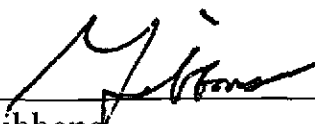
17-902361

*v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (explaining the application of procedural bars is mandatory), and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Douglas Smith, District Judge  
Reginald Franklin  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk