

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JONAS N. ORTIZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74394

FILED

JUN 29 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jonas N. Ortiz appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 13, 2017.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Ortiz filed his petition 27 years after entry of the judgment of conviction on May 2, 1990, and 16 years after entry of the amended judgment of conviction on June 27, 2001. No direct appeal was taken from either judgment. Ortiz' petition was therefore untimely filed. See NRS 34.726(1). Ortiz' petition was also untimely from the January 1, 1993, effective date of NRS 34.726. See 1991 Nev. Stat., ch. 44, § 5, at 74, § 33, at 92; *Pellegrini v. State*, 117 Nev. 860, 874-75, 34 P.3d 519, 529 (2001). Ortiz' petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See NRS 34.726(1).

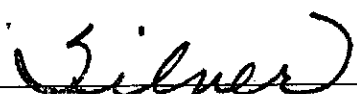
Ortiz did not explicitly argue he had good cause to excuse his untimeliness. To the extent he suggested the 1995 changes to the first-

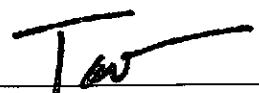
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

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degree kidnapping statute (NRS 200.320), and the 2007 changes to the overall criminal code, *see* A.B. 510, 74th Leg. (Nev. 2007), were good cause, he was untimely from those amendments, and they therefore could not constitute good cause. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (a claim of good cause may not itself be procedurally barred). Neither would Ortiz' lack of legal knowledge constitute good cause. *See Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). We therefore conclude the district court did not err by denying Ortiz' petition as procedurally time-barred, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²We have reviewed all documents Ortiz has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Ortiz has attempted to present claims or facts in those submissions that were not previously presented in the proceedings below, we decline to consider them in the first instance.

cc: Hon. Michelle Leavitt, District Judge
Jonas N. Ortiz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk