

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAIME ADAN BARNES-ESPARZA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73945

**FILED**

JUN 29 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jaime Adan Barnes-Esparza appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 2, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Barnes-Esparza filed his petition more than one year after issuance of the remittitur on direct appeal on December 16, 2015. See *Barnes-Esparza v. State*, Docket No. 67234 (Order of Affirmance, November 19, 2015). Barnes-Esparza's petition was therefore untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See NRS 34.726(1).

Barnes-Esparza claimed he had good cause to excuse the delay because he had competency issues and did not understand the time restrictions for filing for postconviction relief. Barnes-Esparza's claims did not show he was prevented from filing a timely postconviction petition by impediments external to the defense, and accordingly, they do not

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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).


constitute good cause. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003); *see also Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding petitioner's brain damage, mental retardation, and reliance on inmate law clerks did not establish good cause).

Barnes-Esparza also claimed he had good cause to excuse the delay because he spent his first 60 days in prison in segregation without access to the law library. Barnes-Esparza's claim did not explain the entire delay and thus did not constitute good cause. *See Hathaway*, 119 Nev. at 252-53, 71 P.3d at 506.

Finally, Barnes-Esparza claimed he had good cause to excuse the delay because his counsel's letter advising him of his postconviction rights was in English while Barnes-Esparza spoke and read Spanish. Barnes-Esparza did not allege he did not read English, and he indicated he first sought legal assistance in prison in April 2017, after the time to file a timely petition had already passed. And to the extent Barnes-Esparza was claiming the ineffective assistance of counsel was good cause, that claim itself was untimely and thus could not constitute good cause. *See id.* We therefore conclude the district court did not err by denying Barnes-Esparza's petition as procedurally time-barred, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Douglas W. Herndon, District Judge  
Jaime Adan Barnes-Esparza  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk