

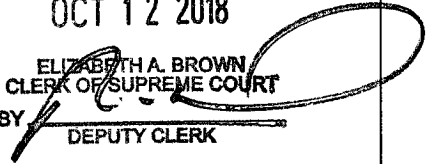
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD PATRICK RAYMOND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74941

FILED

OCT 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Gerald Patrick Raymond appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 17, 2017.¹ Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Raymond filed his petition 24 years after issuance of the remittitur on direct appeal on September 14, 1993. *See Raymond v. State*, Docket No. 23337 (Order Dismissing Appeal, August 25, 1993). Raymond'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).


Raymond's petition challenged the lack of presentence credits reflected in his judgment of conviction. He claimed he only learned in October 2016 that the Nevada Department of Corrections' records do not reflect any of the more than 1,000 days' presentence credit he claimed he had earned. Raymond failed to demonstrate an impediment external to the

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

defense excused his procedural defects: He failed to explain why he could not have learned of this issue in time to be raised in a timely petition. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). We therefore conclude the district court did not err by denying Raymond's petition as procedurally time-barred, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Lynne K. Simons, District Judge
Gerald Patrick Raymond
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. See NRS 34.750(1); *Renteria-Nova v. State*, 133 Nev. ___, ___, 391 P.3d 760, 760-61 (2017).