


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON SCHILO BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74705

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jason Schilo Brown appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 4, 2016, and a supplemental petition filed on May 30, 2017. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

Brown filed his petition more than one year after entry of the judgment of conviction on October 1, 2015, and none of his claims implicated the changes reflected in his amended judgment of conviction. Brown'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); *Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

Brown acknowledges his petition was untimely filed but urges this court to adopt “a good faith change” to the holding in *Gonzales v. State* that the prison mailbox rule does not apply to postconviction petitions for a writ of habeas corpus. See 118 Nev. 590, 595, 53 P.3d 901, 904 (2002).¹ This court cannot overrule Nevada Supreme Court precedent, and we conclude


¹Even were we able to consider Brown's request, we conclude modification of *Gonzales* is not warranted.

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the district court did not err by denying Brown's petition as procedurally time-barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

, C.J.
Silver

, J.
Tao

, J.
Gibbons

cc: Hon. Elliott A. Sattler, District Judge
Troy Curtis Jordan
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk