

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCUS SHEREEF MCNEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71446

FILED

JUN 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marcus Shereef McNeal appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on July 12, 2016.¹ Eighth Judicial District Court, Clark County; Michael Villani, Judge.

McNeal's petition was untimely because it was filed more than two years after the remittitur on direct appeal was issued on June 6, 2014,² and it was successive because he had previously filed a postconviction petition for a writ of habeas corpus.³ See NRS 34.726(1); NRS 34.810(2). Therefore, McNeal's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

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


²*McNeal v. State*, Docket No. 64076 (Order of Affirmance, May 13, 2014).


³*McNeal v. State*, Docket No. 68765 (Order of Affirmance, March 16, 2016).

McNeal failed to raise any claims of good cause and undue prejudice on the face of his petition. To the extent McNeal's *Brady*⁴ claims could be construed as good cause claims, his claims were not raised within a reasonable time of their discovery and they consist of bare allegations that fail to establish the second and third prongs of a *Brady* violation. See *Lisle v. State*, 131 Nev. ___, ___, 351 P.3d 725, 728 (2015); *State v. Huebler*, 128 Nev. 192, 198, 275 P.3d 91, 95 (2012); *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Accordingly, we conclude the district court did not err in denying McNeal's petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Villani, District Judge
Marcus Shereef McNeal
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

⁴*Brady v. Maryland*, 373 U.S. 83 (1986).