

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMARIO EDWARD REED,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69359

FILED

MAY 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Appellant Demario Edward Reed filed his petition on August 6, 2015, almost five years after entry of the judgment of conviction on September 1, 2010.² Thus, Reed's petition was untimely filed. *See* NRS 34.726(1). Reed's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

Reed first argues he has good cause to excuse the procedural bar because he lacks legal knowledge. However, Reed's lack of legal knowledge does not constitute an impediment external to the defense that prevented him from complying with the procedural time bar. *See Phelps v.*


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

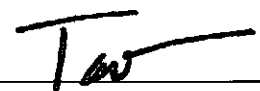
²No direct appeal was taken.

Dir., Nev. Dep't of Prisons, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding that petitioner's claim of organic brain damage, borderline mental retardation and reliance on assistance of inmate law clerk unschooled in the law did not constitute good cause for the filing of a successive post-conviction petition).

Second, Reed argues the actions of his counsel caused his delay. However, a procedurally barred claim of ineffective assistance of counsel cannot constitute cause for additional claims of ineffective assistance of counsel. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Therefore, the district court did not err in denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jennifer P. Togliatti, District Judge
Demario Edward Reed
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk