

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROGER D. JONES, A/K/A DARREN S.  
LOPEZ, A/K/A CORY SCOTT, A/K/A  
RATA D. JONES, A/K/A SCOTT M.  
CORY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69219

FILED

AUG 17 2016

TRACIE K. ANDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

Appellant Roger D. Jones, filed his petition on April 21, 2015, more than four years after issuance of the remittitur on direct appeal on October 11, 2011. *Jones v. State*, Docket No. 55704 (Order of Affirmance, September 14, 2011). Thus, Jones' petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

Jones argues he had good cause because he suffers from mental illness, is not represented by counsel, and does not understand the laws or legal procedure he must follow for postconviction review. These issues did not demonstrate there was an impediment external to the defense preventing Jones from complying with the procedural time bar.

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

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

To the extent Jones argues he had good cause due to the failure to appoint postconviction counsel, we conclude this argument lacks merit. The appointment of postconviction counsel in this matter was not statutorily or constitutionally required. See *Brown v. McDaniel*, 130 Nev. \_\_\_, \_\_\_, 331 P.3d 867, 871-72 (2014); *Crump v. Warden*, 113 Nev. 293, 303, 934 P.2d 247, 253 (1997); *McKague v. Warden*, 112 Nev. 159, 164, 912 P.2d 255, 258 (1996). Thus, the failure to appoint postconviction counsel did not provide good cause for this late petition. 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

cc: Hon. Richard Scotti, District Judge  
Roger Don Jones  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk