

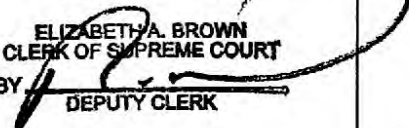
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DESHON HEREFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77513-COA

**FILED**

OCT 16 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Deshon Hereford appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 18, 2018. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Hereford's petition was untimely because it was filed more than seven years after the remittitur on direct appeal was issued on August 10, 2010,<sup>1</sup> *see* NRS 34.726(1), and it was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits,<sup>2</sup> *see* NRS 34.810(2). Consequently, his petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3). Moreover, because the State specifically pleaded laches, he was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2).

Hereford did not attempt to show good cause and actual prejudice, and he did not make any showing that would overcome the

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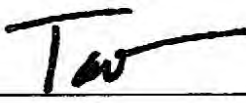
<sup>1</sup>*See Hereford v. State*, Docket No. 52664 (Order of Affirmance, May 7, 2010).

<sup>2</sup>*See Hereford v. State*, Docket No. 60424 (Order of Affirmance, March 14, 2013).

presumption of prejudice to the State. Accordingly, we conclude the district court did not err by denying his procedurally barred petition, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Stefany Miley, District Judge  
Deshon Hereford  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk