

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER MICHAEL  
PATTERSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78687-COA

**FILED**

**MAR 20 2020**

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

*ORDER OF AFFIRMANCE*

Christopher Michael Patterson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 19, 2018. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Patterson filed his petition more than one year after issuance of the remittitur on direct appeal on April 25, 2017. *Patterson v. State*, Docket No. 68917-COA (Order of Affirmance, March 31, 2017). Thus, Patterson's petition was untimely filed. See NRS 34.726(1). Patterson's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*


In his petition below, Patterson claimed his petition was timely and he did not argue good cause to overcome the procedural bar. On appeal, Patterson argues the district court should have considered his ineffective assistance of trial and appellate counsel claims as good cause to overcome the procedural bar. The district court did not err by failing to consider a claim that was not raised in Patterson's petition. Further, we decline to consider Patterson's good cause claim for the first time on appeal. See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

Accordingly, we conclude the district court did not err by denying the petition as procedurally barred.

Patterson also argues the district court erred by denying the petition without appointing postconviction counsel. The appointment of counsel in this matter was discretionary. *See* NRS 34.750(1). A review of the record reveals the issues in this matter were not difficult, Patterson was able to comprehend the proceedings, and discovery with the aid of counsel was not necessary. *See id.* Therefore, Patterson fails to demonstrate the district court abused its discretion by denying the petition without appointing postconviction counsel. *See Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 760-61 (2017). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Joseph Hardy, Jr., District Judge  
Christopher Michael Patterson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk