

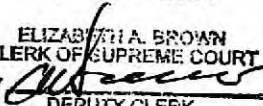
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN DAVID PAMPLIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80512-COA

FILED

NOV 13 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

John David Pamplin appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 30, 2019. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Pamplin filed his petition 17 years after entry of the judgment of conviction on October 4, 2002.¹ Thus, Pamplin's petition was untimely filed. *See* NRS 34.726(1). Pamplin's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

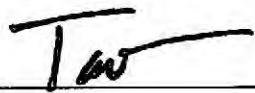
In his petition, Pamplin claimed he had good cause because he had new evidence that a prosecutor was not present when he conditionally waived his preliminary hearing. Pamplin did not show the evidence was new or that this claim was not available to be raised in a timely filed petition. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003) (holding that good cause “may be demonstrated by a showing that the factual or legal basis for a claim was not reasonably available” (internal

¹Pamplin did not appeal from his judgment of conviction.

quotation marks omitted)). Further, to the extent Pamplin claimed he had good cause because the aforementioned lack of a prosecutor divested the trial court of subject matter jurisdiction over his case, this claim did not implicate the jurisdiction of the trial court. See Nev. Const. art. 6, § 6(1); NRS 171.010; see also *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the courts’ statutory or constitutional power to adjudicate the case.” (internal quotation marks omitted)). Accordingly, we conclude the district court did not err by denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Jacqueline M. Bluth, District Judge
John David Pamplin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We have reviewed all documents Pamplin has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Pamplin has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.