

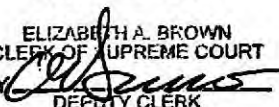
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRENT HENRICKSON,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 81655-COA

FILED

MAR 25 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Trent Henrickson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 9, 2019. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

Henrickson filed his petition more than two years after entry of the judgment of conviction on June 26, 2017, and amended judgment of conviction on July 6, 2017. Henrickson's petition was untimely filed and, thus, procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1). Good cause generally “means a substantial reason; one that affords a legal excuse,” and “a petitioner must show that an impediment external to the defense prevented him” from complying with the procedural time bar. *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003).


Henrickson claimed he was unable to file a timely postconviction petition because he was being involuntarily and forcibly medicated by the prison. Henrickson claimed the medications rendered him incompetent and in a near-vegetative state such that he was incapable of filing a petition. The district court found that, before the running of the time bar, Henrickson was litigating actions in three different cases before the district court. Henrickson does not dispute this finding in his informal brief on appeal. Because Henrickson was able to engage in other litigation prior to the running of the time bar, he failed to demonstrate good cause to excuse his delay in pursuing a postconviction petition for a writ of habeas corpus. Accordingly, we cannot conclude the district court erred by denying Henrickson's petition.

Henrickson claims on appeal that the district court erred by denying his motion to appoint counsel. The appointment of counsel in this matter was discretionary. *See* NRS 34.750(1). When deciding whether to appoint counsel, the district court may consider factors, including whether the issues presented are difficult, whether the petitioner is unable to comprehend the proceedings, or whether counsel is necessary to proceed with discovery. *Id.* The district court found that the issues in this matter were not difficult, Henrickson was an active litigator in the district court who was able to comprehend the proceedings, and discovery with the aid of counsel was not necessary. *See* NRS 34.750(1); *Renteria-Novoa v. State*, 133

Nev. 75, 76, 391 P.3d 760, 761 (2017). Therefore, the district court denied the motion to appoint counsel. In light of the district court's findings and the untimeliness of Henrickson's petition, we cannot conclude the district court abused its discretion by denying the motion for the appointment of counsel.

Having concluded Henrickson is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Gary Fairman, District Judge  
Trent Henrickson  
Attorney General/Carson City  
Attorney General/Ely  
White Pine County Clerk