


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CRAIG LATTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81990-COA

FILED

MAY 20 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Craig Lattin appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Lattin filed his petition on June 4, 2020, more than one year after entry of the judgment of conviction on May 10, 2019.¹ Thus, Lattin's petition was untimely filed. *See* NRS 34.726(1). Lattin's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Lattin did not attempt to demonstrate cause for his delay. Therefore, the district court did not err by denying the petition as procedurally barred.

Next, the district court denied Lattin's request for the appointment of postconviction 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

¹Lattin did not pursue a direct appeal.

with discovery. *Id.* However, the issues in this matter were not difficult, Lattin 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, we conclude the district court did not abuse its discretion by denying the motion for the appointment of counsel. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michelle Leavitt, District Judge
Craig Lattin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk