


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM RODRIGUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81489-COA

FILED

MAY 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

William Rodriguez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 2, 2020. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Rodriguez filed his petition more than one year after entry of the judgment of conviction on October 25, 2018. Thus, Rodriguez's petition was untimely filed. *See* NRS 34.726(1). Rodriguez's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice, *see id.*, or that he was actually innocent such that it would result in a fundamental miscarriage of justice were his claims not decided on the merits, *see Berry v. State*, 131 Nev. 957, 966, 363 P.3d 1148, 1154 (2015).

Rodriguez claims he can overcome the procedural bars because he is actually innocent, even though he pleaded guilty. Specifically, he claims he is actually innocent because the State never prepared a computer forensic report finding that his computer met the criteria for a financial forgery laboratory. Rodriguez failed to demonstrate "it is more likely than not that no reasonable juror would have convicted him in light of . . . new

evidence.” *Calderon v. Thompson*, 523 U.S. 538, 559 (1998) (quoting *Schlup v. Delo*, 513 U.S. 298, 327 (1995)); see also *Pellegrini v. State*, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001), *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423 n.12, 423 P.3d 1084, 1097 n.12 (2018). Therefore, 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.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
William Rodriguez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk