

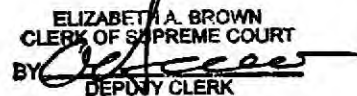
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EMONE JAMES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82709-COA

FILED

NOV 12 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

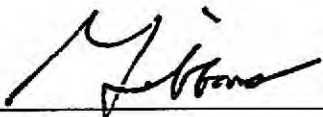
Emone James appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 2, 2020. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

James filed his petition over two years after issuance of the remittitur on direct appeal on July 3, 2018. *See James v. State*, No. 70486, 2018 WL 3000438 (Nev. June 8, 2018) (Order of Affirmance). Thus, James' petition was untimely filed. *See* NRS 34.726(1). James' petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

James claimed he had good cause because his previous attorney did not inform him about how to file a postconviction petition and he received incorrect advice from other prisoners. These issues did not demonstrate an impediment external to the defense that prevented James from timely filing his petition. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003); *Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988), *superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681

(2003). Therefore, the district court did not err by denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Emone James
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk