

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOCQUISE J. COLEMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83583-COA

FILED

JUN 23 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jocquise J. Coleman 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.

Coleman argues the district court erred by denying his July 6, 2021, petition as procedurally barred without first conducting an evidentiary hearing. Coleman filed his petition more than seven years after entry of the judgment of conviction on November 7, 2013.¹ Thus, Coleman's petition was untimely filed. *See* NRS 34.726(1). Coleman's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* To warrant an evidentiary hearing, a petitioner must raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

Coleman claimed he had good cause because trial-level counsel did not send him his full case file in a timely manner. However, counsel's failure to send Coleman his full case file did not constitute cause for the

¹Coleman did not pursue a direct appeal.

delay because it did not prevent Coleman from filing a timely petition. See *Hood v. State*, 111 Nev. 335, 338, 890 P.2d 797, 798 (1995). Therefore, we conclude the district court did not err by rejecting this good-cause claim without conducting an evidentiary hearing.

Next, Coleman argues the district court erred by failing to include specific findings concerning its decision to deny his request for an evidentiary hearing in its order denying his petition. However, we conclude the district court's order denying the motion contains findings with sufficient specificity to permit this court to appropriately review its decision on appeal. Therefore, we conclude Coleman fails to demonstrate he is entitled to relief based upon this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla

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

²The Honorable Jerome T. Tao did not participate in the decision in this matter.