

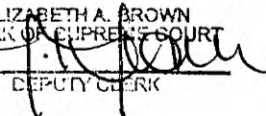
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES HENRY WATKINS, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85995

**FILED**

JUL 26 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

James Henry Watkins, III, appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Watkins argues that the district court erred by denying his petition as procedurally barred. Watkins filed his petition on October 25, 2022, more than three years after entry of the judgment of conviction on August 8, 2019.<sup>1</sup> Thus, Watkins' petition was untimely filed. *See* NRS 34.726(1). Watkins' petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

In his petition, Watkins claimed that the procedural time bar did not apply to his petition because he challenged the trial-level court's subject matter jurisdiction and subject matter jurisdiction may be challenged at any time. In particular, Watkins contended that his conviction should be vacated because the Nevada Revised Statutes do not contain enacting clauses as required by the Nevada Constitution. Watkins

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<sup>1</sup>Watkins did not pursue a direct appeal.

also asserted that the trial-level court was without jurisdiction over his criminal case because the Statutes of Nevada were repealed and the Nevada Revised Statutes were not properly created by the Legislature.

These claims did not implicate the jurisdiction of the courts, and therefore, the procedural time bar was properly applied to Watkins' petition. *See* Nev. Const. art. 6, § 6; *Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) ("Subject matter jurisdiction is the court's authority to render a judgment in a particular category of case." (internal quotation marks omitted)). In addition, Watkins' challenges to the Statutes of Nevada and the Nevada Revised Statutes were reasonably available to be raised in a timely petition, and he did not demonstrate an impediment external to the defense prevented him from doing so. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (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.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Scott N. Freeman, District Judge  
James Henry Watkins, III  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk