


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WOODROW JUNE MARSHALL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87431-COA

**FILED**  
JUN 13 2024  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Woodrow June Marshall appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 23, 2023. Eighth Judicial District Court, Clark County; Bita Yeager, Judge.

Marshall filed his petition more than two years after issuance of the remittitur on direct appeal on July 21, 2021. *See Marshall v. State*, No. 81708-COA, 2021 WL 1529119 (Nev. Ct. App. Apr. 16, 2021) (Order of Affirmance). Thus, Marshall's petition was untimely filed. *See* NRS 34.726(1). Moreover, Marshall's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>1</sup> *See* NRS 34.810(3).<sup>2</sup> Marshall's petition was procedurally barred absent a

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<sup>1</sup>*Marshall v. State*, No. 85617-COA, 2023 WL 3989897 (Nev. Ct. App. June 13, 2023) (Order of Affirmance).

<sup>2</sup>The subsections within NRS 34.810 were recently renumbered. We note the substance of the subsections cited herein was not altered. *See* A.B. 49, 82d Leg. (Nev. 2023).

demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(4).

In his petition, Marshall claimed he had good cause because he needed to “exhaust” his claims. The district court found that Marshall failed to demonstrate good cause to overcome the procedural bars. Marshall does not challenge this finding on appeal, and we conclude that the district court did not err by denying the petition as procedurally barred. *See Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989) (filing a petition for exhaustion purposes does not constitute good cause because the claims were available to be raised in a timely petition), *superseded by statute on other grounds as stated in State v. Huebler*, 128 Nev. 192, 197, n.2., 275 P.3d 91, 95 n.2 (2012). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

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

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<sup>3</sup>Marshall has requested the appointment of counsel on appeal. In light of this court’s disposition, we conclude the appointment of counsel is not warranted.

cc: Hon. Bita Yeager, District Judge  
Woodrow June Marshall  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk