

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRELL COCHISE YOUNG,  
Appellant,  
vs.  
WARDEN GARRETT; AND THE STATE  
OF NEVADA,  
Respondents.

No. 88506-COA

FILED

OCT 09 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Terrell Cochise Young appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 6, 2023. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

Young filed his petition more than 17 years after entry of the judgment of conviction on August 3, 2006.<sup>1</sup> Thus, Young's petition was untimely filed. *See* NRS 34.726(1). Moreover, Young's petition constituted an abuse of the writ as he raised a claim that was new and different from those raised in his previous petitions.<sup>2</sup> *See* NRS 34.810(1)(b)(2); NRS

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<sup>1</sup>Young did not file a direct appeal from his judgment of conviction.

<sup>2</sup>*Young v. State*, No. 73524-COA, 2018 WL 1050499 (Nev. Ct. App. Feb. 13, 2018) (Order of Affirmance); *Young v. State*, No. 71229-COA, 2017 WL 3033696 (Nev. Ct. App. July 12, 2017) (Order of Affirmance); *Young v. State*, No. 69628-COA, 2016 WL 7635427 (Nev. Ct. App. Dec. 28, 2016) (Order of Affirmance). Young filed two other postconviction petitions in 2006 and 2007. He did not appeal from the denial of those petitions.

34.810(3).<sup>3</sup> Young's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(4). Further, because the State specifically pleaded laches, Young was required to overcome the rebuttable presumption of prejudice to the State. See NRS 34.800(2).

Young argued that he had good cause to overcome the procedural bars because counsel who was appointed to file his direct appeal failed to file a direct appeal on his behalf.<sup>4</sup> Young has previously raised this good cause claim, and it has been rejected by this court. See *Young*, No. 73524-COA, 2018 WL 1050499, at \*1; *Young*, No. 71229-COA, 2017 WL 3033696, at \*1. Thus, this claim was barred by the doctrine of the law of the case, which "cannot be avoided by a more detailed and precisely focused argument." *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975).

Young also argued he had good cause because the district court clerk was required to file a notice of appeal on his behalf after sentencing pursuant to NRS 177.075(2). This claim of good cause was reasonably available to be raised in any of Young's prior postconviction petitions, and it does not explain why Young filed his petition more than 17 years after entry of the judgment of conviction. See *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003) (stating "an adequate allegation of good

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<sup>3</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).

<sup>4</sup>Two years after Young's judgment of conviction was filed, the district court granted Young's motion for the appointment of counsel to file a direct appeal or a postconviction petition, whichever counsel felt was appropriate. We note that counsel was not appointed to pursue a direct appeal pursuant to NRAP 4(c).

cause would sufficiently explain why a petition was filed beyond the statutory time period”).

Young also failed to overcome the rebuttable presumption of prejudice to the State. Therefore, we conclude that the district court did not err by denying Young’s petition as procedurally barred.

On appeal, Young argues that the district court erred by denying his petition without first considering his “motion manifesting good cause” that he filed with his petition. The district court’s order specifically denies this motion and references arguments raised in the motion. Therefore, Young fails to demonstrate the district court did not consider his motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Monica Trujillo, District Judge  
Terrell Cochise Young  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk