

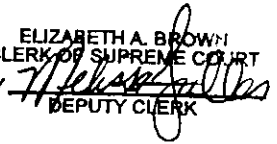
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON M. JEFFERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89892-COA

FILED

AUG 21 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon M. Jefferson appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 22, 2024. Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

Jefferson filed his petition more than 10 years after issuance of the remittitur on direct appeal on August 26, 2014. *See Jefferson v. State*, No. 62120, 2014 WL 3764809 (Nev. July 29, 2014) (Order of Affirmance). Thus, Jefferson's petition was untimely filed. *See* NRS 34.726(1). Moreover, Jefferson'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 petitions.¹ *See* NRS 34.810(3). Jefferson's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(4). Further, because the State specifically pleaded laches, Jefferson

¹*See Jefferson v. State*, Nos. 79052-COA, 79053-COA, 2020 WL 1492552 (Nev. Ct. App. Mar. 19, 2020) (Order of Affirmance); *Jefferson v. State*, 133 Nev. 874, 410 P.3d 1000 (Ct. App. 2017).

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was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2).

Jefferson claimed the procedural bars did not apply to his petition because the district court lacked subject matter jurisdiction. Jefferson contends that NRS 171.010 was invalid because the statutory sources within the Statutes of Nevada were repealed in 1957 by Senate Bill 2.

Jefferson's claim does not implicate the jurisdiction of the courts, and therefore, the procedural time bar applied to his 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)). Jefferson failed to demonstrate good cause because his claims regarding the Nevada Revised Statutes were available to be raised in a timely petition. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003) ("In terms of a procedural time-bar, an adequate allegation of good cause would sufficiently explain why a petition was filed beyond the statutory time period."). Even if we were to consider the merits of Jefferson's claim, Jefferson failed to plead sufficient facts to demonstrate he was entitled to relief, i.e., prejudice. The Nevada Revised Statutes "constitute the official codified version of the Statutes of Nevada and may be cited as prima facie evidence of the law." NRS 220.170(3). The actual laws of Nevada are contained in the Statutes of Nevada. While the laws in effect prior to 1957 were repealed in 1957, they were simultaneously reenacted as the Nevada Revised Statutes in the same senate bill. *See* 1957 Nev. Stat., ch. 2, §§ 1, 3, at 1-2. And the simultaneous repeal of NRS 171.010's source law would not have affected its validity. *See id.* § 4(2), at

2 ("The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act."). Therefore, the district court did not err by denying Jefferson's petition as procedurally barred and barred by laches. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Nadia Krall, District Judge
Brandon Montane Jefferson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk