

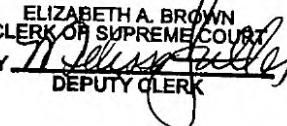
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH WAYNE JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91016-COA

FILED

MAY 21 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joseph Wayne Jones appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus filed on March 17, 2025. Eighth Judicial District Court, Clark County; Christy L. Craig, Judge.

Jones contends the district court erred in denying his petition as procedurally barred. Jones filed his petition more than seven years after the order dismissing his direct appeal was filed on February 1, 2018.¹ Thus, Jones' petition was untimely filed. *See* NRS 34.726(1). Moreover, Jones' petition was successive to the extent it alleged grounds for relief that had previously been decided on the merits, and it constituted an abuse of the writ to the extent it raised new and different grounds for relief.² *See* NRS

¹Jones filed a direct appeal but withdrew it voluntarily. *Jones v. State*, No. 74108, 2018 WL 679550 (Nev. Feb. 1, 2018) (Order Dismissing Appeal). The supreme court noted in its order dismissing the appeal that, because no remittitur issued from the withdrawal of Jones' direct appeal, the one-year period for filing a timely postconviction habeas petition under NRS 34.726(1) was to commence from the date of that order.

²This court affirmed the denial of Jones' first postconviction habeas petition, *see Jones v. State*, No. 78668-COA, 2020 WL 3051519 (Nev. Ct.

34.810(3). Jones' petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(4).

Jones contends he had good cause to overcome the procedural bars because he did not waive his right to the effective assistance of counsel and he could not have raised certain claims until the supreme court issued its decision in *Gonzales v. State*, 137 Nev. 398, 492 P.3d 556 (2021). Jones did not raise these good-cause claims in his petition below, and we decline to consider them on appeal in first instance.³ *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989); *see also Chappell v. State*, 137 Nev. 780, 787, 501 P.3d 935, 949 (2021) (providing "a petitioner's explanation of good cause and prejudice for each procedurally barred claim must be made on the face of the petition").

Although Jones claimed in his petition that he had good cause to overcome the procedural bars because there were "constitutional issues unresolved prior to sentencing" and there were errors in his presentence

App. June 5, 2020) (Order of Affirmance), and dismissed Jones' appeal from the denial of his second postconviction habeas petition for lack of jurisdiction, *see Jones v. State*, No. 87398-COA, 2024 WL 3632582 (Nev. Ct. App. Aug. 1, 2024) (Order Dismissing Appeal). Jones filed a third postconviction habeas petition on November 7, 2023, but did not appeal from the denial of that petition. This court affirmed the denial of Jones' fourth postconviction habeas petition. *See Jones v. State*, Nos. 90039-COA, 90099-COA, 90100-COA, 2025 WL 3170736 (Nev. Ct. App. Nov. 12, 2025) (Order of Affirmance and Dismissing Appeal in Part).

³To the extent Jones raised his good-cause claims in an unfiled supplement, we conclude the district court did not err in refusing to file or consider Jones' supplement because (1) the district court had entered an order enjoining Jones from filing any documents in his habeas case without the permission of the Chief Judge for the Eighth Judicial District Court; and (2) Jones was not otherwise entitled to file a supplement to his petition, *see* NRS 34.750(5).

investigation report and a supplemental probation violation report, Jones' good-cause claims did not "sufficiently explain why [the] petition was filed beyond the statutory time period," *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003), or allege facts indicating the petition was filed within a reasonable time after the basis for his underlying claims became available,⁴ *see Rippo v. State*, 134 Nev. 411, 420, 423 P.3d 1084, 1096 (2018). Therefore, we conclude the district court did not err by denying Jones' petition as procedurally barred. Accordingly,⁵ we

ORDER the judgment of the district court AFFIRMED.



Bulla

C.J.



Gibbons

J.



Westbrook

J.

⁴We note that Jones filed his petition more than two years after the district court entered its August 11, 2022, order revoking Jones' probation.

⁵To the extent Jones raises other arguments not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Christy L. Craig, District Judge
Joseph Wayne Jones
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk