

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 91017-COA

**FILED**

**MAY 21 2026**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Melissa [Signature]*  
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Christy L. Craig, Judge.

Jones contends the district court erred by 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.<sup>2</sup> 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

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<sup>1</sup>Jones' petition was titled "motion for leave to file habeas corpus, case inclusive of 88292, 88216, 88217, 88329."

<sup>2</sup>Jones 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.

writ to the extent it raised new and different grounds for relief.<sup>3</sup> See NRS 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), or a showing he is actually innocent such that "the failure to consider the petition on its merits would amount to a fundamental miscarriage of justice," *Berry v. State*, 131 Nev. 957, 966, 363 P.3d 1148, 1154 (2015).

Jones contends he has good cause to overcome the procedural bars because there were "constitutional issues unresolved prior to sentencing" and there were errors in his presentence investigation report and a supplemental probation violation report. Jones' good-cause claims do 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). To the extent Jones challenged the district court's order revoking probation, he failed to demonstrate his petition was filed within a reasonable time after the basis for his claims became available.<sup>4</sup> See *Rippo v. State*, 134 Nev. 411, 420, 423 P.3d 1084, 1096 (2018). And although Jones asserts that the procedural bars must yield "to the imperative of correcting

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<sup>3</sup>This court affirmed the denial of Jones' first postconviction habeas petition, see *Jones v. State*, No. 78668-COA, 2020 WL 3051519 (Nev. Ct. 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).

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

a fundamentally unjust incarceration,” he did not make a colorable showing that he was actually innocent of the crimes. *See Berry*, 131 Nev. at 966, 363 P.3d at 1154 (stating “the petitioner must show that it is more likely than not that no reasonable juror would have convicted him in the light of . . . new evidence” (quotation marks omitted)). Therefore, we conclude the district court did not err by denying Jones’ petition as procedurally barred. Accordingly,<sup>5</sup> we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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

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<sup>5</sup>To 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.