FILED
11/05/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER MICHAEL PATTERSON, Appellant, vs. BRIAN WILLIAMS, SR., WARDEN, Respondent.	No. 91700-COA

ORDER OF AFFIRMANCE

Christopher Michael Patterson appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on September 29, 2025. Eighth Judicial District Court, Clark County; Hon. Jessica K. Peterson, Judge.

Patterson filed his petition more than eight years after issuance of the remittitur on direct appeal on April 25, 2017. *See Patterson v. State*, No. 68917-COA, 2017 WL 1328325 (Nev. Ct. App. Apr. 25, 2017) (Order of Affirmance). Thus, Patterson's petition was untimely filed. *See* NRS 34.726(1). Patterson's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice—*see id.*, or a showing that he is actually innocent such that a fundamental miscarriage of justice would result were his claims not decided on the merits, *see Berry v. State*, 131 Nev. 957, 966, 363 P.3d 1148, 1154 (2015).

First, as good cause to overcome the procedural time bar, Patterson argued that federal equitable tolling standards should apply to his case

because the district court failed to decide a motion for new trial filed in 2017 and because of his mental health issues.[1] The Nevada Supreme Court has rejected federal equitable tolling because the plain language of NRS 34.726 "requires a petitioner to demonstrate a legal excuse for any delay in filing a petition." *Brown v. McDaniel*, 130 Nev. 565, 576, 331 P.3d 867, 874 (2014). Therefore, we conclude the district court did not err by denying Patterson's claim of good cause.

Second, Patterson argued he could overcome the procedural time bar because he is actually innocent. To demonstrate a fundamental miscarriage of justice sufficient to overcome the procedural bars, "a petitioner must make a colorable showing of actual innocence—factual innocence, not legal innocence." *Id.* at 576, 331 P.3d at 875. "This means that 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." *Berry*, 131 Nev. at 966, 363 P.3d at 1154 (internal quotation marks omitted); *see also House v. Bell*, 547 U.S. 518, 537 (2006) ("[A] gateway claim requires new reliable evidence—whether it be exculpatory scientific evidence, trustworthy

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[1]To the extent Patterson raised his mental health issues as a separate good-cause ground, Patterson's mental health issues would not have provided good cause to overcome the procedural time bar. *See Phelps v. Dir., Nev. Dep't. of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding a petitioner's claim of organic brain damage, borderline mental disability, and reliance on the assistance of an inmate law clerk unschooled in the law did not constitute good cause for the filing of a procedurally barred postconviction habeas petition), *superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681 (2003).

eyewitness accounts, or critical physical evidence—that was not presented at trial." (quotation marks omitted)).

Patterson argued he is actually innocent because: (1) the State withheld a witness's journal that detailed what happened the night of Patterson's crimes and the police threatened that witness to change her version of what happened that night; (2) one of the victim's prior false allegation of sexual misconduct against a cousin was erroneously ruled inadmissible; and (3) the State used firearm registration records that were out of date. Patterson failed to provide the witness's journal with his petition or allege how the information in the journal demonstrated he is actually innocent. Further, Patterson failed to allege new, reliable evidence that the witness was threatened or how any threat affected the testimony and evidence presented at trial. As to the purported prior false allegation, this court previously concluded that it was not shown to be a false allegation, *see Patterson*, No. 68917-COA, 2017 WL 1328325, at *3 n.4, and Patterson failed to allege any new, reliable evidence to undermine that determination. Finally, the fact that the gun records were outdated was argued by counsel at trial. Thus, the date of the gun records was presented at trial and did not constitute new evidence. Therefore, we conclude the district court did not err by denying Patterson's claim that he is actually innocent because he failed to demonstrate it is more likely than not that no reasonable juror would have convicted him in the light of new evidence. Accordingly, we conclude the district court did not err by denying the petition as procedurally barred.

Patterson filed a motion for the appointment of postconviction counsel. The appointment of counsel in this matter was discretionary. *See*

NRS 34.750(1). We conclude the district court did not abuse its discretion by not appointing counsel because the issues presented were not difficult, Patterson was able to comprehend the proceedings, and discovery with the aid of counsel was not necessary. *Id.*; *Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 761 (2017). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Jessica K. Peterson, District Judge
Attorney General/Carson City
Clark County District Attorney
Christopher Michael Patterson
The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, District Court Clerk