

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES HOPKINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72095

**FILED**

DEC 13 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

James Hopkins appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Hopkins filed his petition on June 23, 2016, more than 16 years after entry of the judgment of conviction on September 9, 1999.<sup>2</sup> Thus, Hopkins' petition was untimely filed. *See* NRS 34.726(1). Hopkins' petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Moreover, because the State specifically pleaded laches, Hopkins was required to overcome the rebuttable presumption of prejudice. *See* NRS 34.800(2).

Hopkins claimed the procedural bars did not apply to his petition because he challenged the jurisdiction of the district court. He asserted he recently learned the Nevada Revised Statutes do not meet constitutional mandates and are invalid because they do not have an

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


<sup>2</sup>Hopkins did not pursue a direct appeal.

enactment clause, justices of the Nevada Supreme Court unconstitutionally participated in the creation of the Nevada Revised Statutes, the revision of statutes violated separation of powers principles, and the laws authorizing the revised statutes were not passed in accordance with the Nevada Constitution and other laws. These claims did not implicate the jurisdiction of the courts, and therefore, the procedural bars apply to Hopkins' petition. See Nev. Const. art. 6, § 6; NRS 171.010; *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the courts’ statutory or constitutional *power* to adjudicate the case.” (internal quotation marks omitted)). Further, these claims were reasonably available to be raised in a timely petition and Hopkins did not demonstrate an impediment external to the defense prevented him from doing so. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

In addition, Hopkins did not overcome the presumption of prejudice to the State. Therefore, we conclude the district court properly denied the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Eric Johnson, District Judge  
James Hopkins  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk