

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIE JAMES SMITH, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77064-COA

**FILED**

**MAY 21 2019**

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

*ORDER OF AFFIRMANCE*

Willie James Smith Jr., appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 9, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Smith filed his petition nearly 12 years after issuance of the remittitur on direct appeal on May 30, 2006. *Smith v. State*, Docket No. 43751 (Order of Affirmance, May 2, 2006). Thus, Smith's petition was untimely filed. See NRS 34.726(1). Moreover, Smith's petition was successive because he had previously filed two postconviction petitions for a writ of habeas corpus.<sup>2</sup> See NRS 34.810(1)(b)(2); NRS 34.810(2). Smith's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


<sup>2</sup>*Smith v. State*, Docket No. 66914 (Order of Affirmance, May 18, 2015); *Smith v. State*, Docket No. 48445 (Order of Affirmance, September 25, 2008).


In his petition, Smith claimed he had good cause and prejudice to overcome the procedural bars because he was actually innocent and he received ineffective assistance of counsel from his trial and appellate counsel. The district court found Smith's petition was procedurally barred. Further, the district court found Smith raised these good cause claims in a previous petition, and these claims were rejected by the Nevada Supreme Court. *See Smith v. State*, Docket No. 66914 (Order of Affirmance, May 18, 2015). Therefore, the district court found these claims were barred by the doctrine of law of the case, which "cannot be avoided by a more detailed and precisely focused argument." *Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975).

On appeal, Smith argues the district court's current and prior orders depart from the truth, this court must reverse and remand and instruct the State that evidence must be excluded, and an evidentiary hearing must be held. These claims do not challenge the findings by the district court that Smith's petition was procedurally barred and that it was barred by the doctrine of law of the case. We conclude the record supports the decision of the district court, and the district court did not err by denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Michelle Leavitt, District Judge  
Willie James Smith, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk