

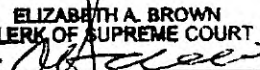
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,
Appellant,
vs.
CALVIN JOHNSON, WARDEN (HDSP),
Respondent.

No. 84361-COA

FILED

AUG 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bryan Phillip Bonham appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Bonham claims the district court erred by denying his petition without first conducting an evidentiary hearing. Bonham filed his petition on December 3, 2021,¹ more than six years after entry of the judgment of conviction on October 22, 2015.² Thus, Bonham's petition was untimely filed. *See* NRS 34.726(1). Bonham's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* To warrant an evidentiary hearing, a petitioner must raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

¹Bonham's pleading was entitled "petition for writ of habeas corpus pursuant to all writs act 28 U.S.C. § 1651." The district court construed it as a postconviction petition for a writ of habeas corpus, and Bonham does not challenge that decision on appeal.

²Bonham did not pursue a direct appeal.

Bonham appeared to assert that the procedural time bar did not apply to his petition because he challenged the trial court's subject matter jurisdiction. Bonham contended that subject matter jurisdiction may be challenged at any time.

In particular, Bonham contended that the trial court was without jurisdiction to convict him because the laws reproduced in the Nevada Revised Statutes do not contain enacting clauses as required by the Nevada Constitution, the statute authorizing creation of the Nevada Revised Statutes improperly contained more than one subject, the bill authorizing creation of the Nevada Revised Statutes was not properly introduced or considered by the Legislature and Governor, the commission that made recommendations regarding the creation of the Nevada Revised Statutes during the 1950s was not lawful, and justices of the Nevada Supreme Court unconstitutionally participated in the creation of the Nevada Revised Statutes in violation of separation of powers principles. Bonham also contended the trial court lacked subject matter jurisdiction over this matter because he was not indicted by a grand jury and the laws referenced in the complaint and information did not contain titles.

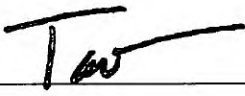
These claims did not implicate the jurisdiction of the courts, and therefore, the procedural time bar applied to Bonham's petition. *See Nev. Const. art. 6, § 6; Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) ("Subject matter jurisdiction is the court's authority to render a judgment in a particular category of case." (internal quotation marks omitted)). Moreover, we note the Statutes of Nevada contain the laws with the enacting clauses required by the constitution. The Nevada Revised Statutes simply reproduce those laws as classified, codified, and annotated by the Legislative Counsel. *See NRS 220.110; NRS 220.120.* Finally,

Bonham's challenges to the Nevada Revised Statutes were reasonably available to be raised in a timely petition, and he 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). Therefore, the district court did not err by denying the petition as procedurally barred without first conducting an evidentiary hearing.

Next, Bonham claimed that the Secretary of State's office improperly failed to retain records concerning the Legislature's creation of the Nevada Revised Statutes. Bonham also appeared to contend that an employee of the Clark County District Attorney's Office violated separation of powers principles by participating in a legislative committee. However, these claims were not properly raised in Bonham's postconviction petition for a writ of habeas corpus. See NRS 34.720(1); NRS 34.810(1)(a). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Bryan Phillip Bonham
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk