

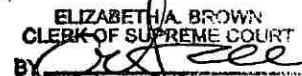
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN BRIAN RAY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86551-COA

FILED

FEB 28 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

John Brian Ray appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 2, 2023. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Ray filed his petition nearly 19 years after entry of the judgment of conviction on March 18, 2004.<sup>1</sup> Thus, Ray's petition was untimely filed. *See* NRS 34.726(1). Ray's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Further, because the State specifically pleaded laches, Ray was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2). Ray failed to allege good cause to overcome the procedural bars. He also failed to rebut the presumption of prejudice.

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<sup>1</sup>Ray did not appeal from his judgment of conviction.

Therefore, we conclude that the district court did not err by denying the petition as procedurally barred and barred by laches. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Tierra Danielle Jones, District Judge  
John Brian Ray  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk