

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL VICTOR LANE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89895-COA

FILED

JUL 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Victor Lane appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 16, 2024. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Lane argues the district court erred by denying his petition as procedurally barred without conducting an evidentiary hearing. Lane filed his petition more than nine years after the judgment of conviction was entered on June 3, 2015.¹ Thus, the petition was untimely filed. See NRS 34.726(1). Lane also raised claims that were outside the scope of a postconviction habeas petition challenging a judgment of conviction based on a guilty plea. See NRS 34.810(1)(a). Lane's petition was procedurally barred absent a demonstration of good cause and undue prejudice. See NRS 34.726(1); NRS 34.810(4). Additionally, because the State specifically


¹No direct appeal was taken.


pleaded laches, Lane was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2).

Lane's informal brief asserts counsel should have presented a psychological evaluation showing he was incapable of premeditation or deliberation as mitigation evidence. He does not address whether the district court erred in concluding his petition was procedurally barred. Nor does the record suggest error. In his petition below, Lane asserted he was unfamiliar with the law and that restrictions resulting from the COVID-19 pandemic hindered his ability to research his claim. Lane's lack of legal education or experience does not amount to good cause to excuse an untimely petition. *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 assistance of inmate law clerk unschooled in the law did not constitute good cause for the filing of a procedurally barred postconviction petition), *superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681 (2003). Although pandemic restrictions may have impacted Lane's ability to research during the pandemic, the restrictions were not in effect until the statutory filing period had elapsed and thus do not explain the entire delay in filing. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003) (holding that procedurally barred claims cannot constitute good cause). Further, Lane failed to overcome the presumption of prejudice to the State. *See* NRS 34.800. Thus, the district court did not err in denying the petition as procedurally barred without conducting an evidentiary hearing. *See Rubio v. State*, 124 Nev. 1032, 1046 n.53, 194 P.3d

1224, 1234 n.53 (2008) (noting a district court need not conduct an evidentiary hearing concerning claims that are procedurally barred when the petitioner cannot overcome the procedural bars). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Jacqueline M. Bluth, District Judge
Michael Victor Lane
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk