

IN THE SUPREME COURT OF THE STATE OF NEVADA

BERNARDO PRADO VEGA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60610

**FILED**

SEP 18 2013

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

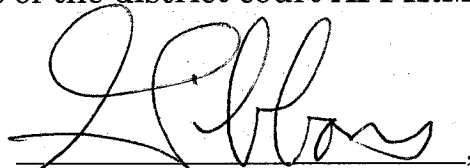
This is an appeal from an order of the district court denying appellant Bernardo Prado Vega's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

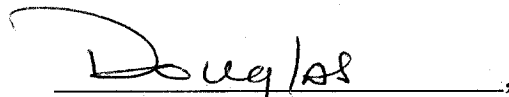
With the aid of counsel, Vega filed a post-conviction petition for a writ of habeas corpus in the district court on September 19, 2011, more than one year after the remittitur from his direct appeal was issued on September 7, 2010. Thus, Vega's petition was untimely filed. *See* NRS 34.726(1). Vega's petition was procedurally barred absent a demonstration of good cause and undue prejudice. *Id.* "In order to demonstrate good cause, a petitioner must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules." *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). "Application of the statutory procedural default rules to post-conviction habeas petitions is mandatory." *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005).

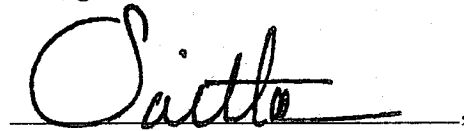
Vega did not offer any cause for the delay in his petition before the district court. The State moved to dismiss the petition as untimely and without good cause, but the district court, without ruling on the procedural bar issue, ordered the State to respond to the petition. The district court's final order failed to address the issue of good cause to excuse the delay but discussed Vega's claims on the merits and denied the petition. The State argues that the district court erred in considering the merits of the petition because it was procedurally barred and without good cause for the delay, and Vega fails to allege any cause, let alone good cause, for the delay. We conclude that Vega has failed to demonstrate good cause for the delay and that the district court should not have considered the merits of the petition as it was procedurally barred. Nonetheless, we conclude that the district court did not err by denying Vega's petition. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (noting that we will affirm a decision of the district court if it reaches the right result, even if for the wrong reason).

Having considered Vega's claims and concluded that no relief is warranted, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Valerie Adair, District Judge  
Keith C. Brower  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk