

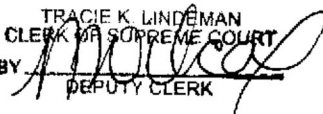
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IAN ARMESE WOODS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66916

**FILED**

MAR 17 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Appellant's August 6, 2014, petition was untimely because it was filed more than two years after the entry of his judgment of conviction on September 29, 2011.<sup>2</sup> See NRS 34.726(1). Appellant's petition was also successive because he had previously filed two post-conviction petitions for writs of habeas corpus.<sup>3</sup> See NRS 34.810(2). Consequently, appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).

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<sup>1</sup>This appeal has been submitted for decision without oral argument, see NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted, see *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>2</sup>No direct appeal was taken.


<sup>3</sup>See *Woods v. State*, Docket No. 63216 (Order of Affirmance, September 16, 2014); *Woods v. State*, Docket No. 62095 (Order of Affirmance, July 23, 2013).




In an attempt to demonstrate good cause for the untimely and successive petition, appellant claimed that defense counsel was ineffective for failing to inform him of his right to a direct appeal and that prejudice is presumed when an appellant is deprived of his right to an appeal. However, appellant raised this issue in his August 23, 2012, petition, and the issue was decided on its merits. *See Woods v. State*, Docket No. 62095 (Order of Affirmance, July 23, 2013) (holding that “[a]ppellant failed to demonstrate that counsel’s performance was deficient or that he was prejudiced, as appellant did not allege that he requested an appeal and he was informed in his plea agreement of the limited right to appeal”).

Although the district court reached the merits of appellant’s petition, we conclude that appellant failed to demonstrate sufficient good cause to overcome the procedural bars to his petition and affirm the denial of his petition on this basis. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Ian Armese Woods  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk