


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RANDY MAURICE BRIDGES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69179

FILED

JUL 26 2016

TRACIE K. LINGEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

The district court dismissed appellant Randy Bridges' petition after considering his claims on the merits. This was error. The instant petition was Bridges' second postconviction petition and thus his petition was subject to the procedural bars found in NRS 34.726 and NRS 34.810. Application of the statutory procedural default rules to postconviction habeas petitions is mandatory. *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Although the district court incorrectly reached the merits of the petition, we nevertheless affirm the denial of the petition as the correct result. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (this court will affirm a decision of the district court if it reaches the right result, even if for the wrong reason).

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

16-900856

Bridges filed his petition on April 10, 2015, nearly four years after issuance of the remittitur on direct appeal on August 8, 2011. See *Bridges v. State*, Docket No. 56736 (Order of Affirmance, July 14, 2011). Thus, Bridges' petition was untimely filed. See NRS 34.726(1). Moreover, Bridges' petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.² See NRS 34.810(1)(b)(2); NRS 34.810(2). Bridges' petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3).

To the extent Bridges' opening brief could be construed to claim ineffective assistance of postconviction counsel provided good cause to overcome the procedural bars, this claim lacks merit. Bridges was not entitled to the appointment of counsel in the prior postconviction proceedings; therefore he was not entitled to the effective assistance of postconviction counsel. See *Crump v. Warden*, 113 Nev. 293, 303, 934 P.2d 247, 253 (1997); *McKague v. Warden*, 112 Nev. 159, 164, 912 P.2d 255, 258 (1996); *Brown v. McDaniel*, 130 Nev. ___, ___, 331 P.3d 867, 871-72 (2014) (holding *Martinez v. Ryan*, 566 U.S. ___, 132 S. Ct. 1309 (2012) does not apply to Nevada's statutory postconviction procedures). Thus, ineffective assistance of postconviction counsel does not provide good cause for this procedurally barred petition.

To the extent Bridges' opening brief could be construed to claim ineffective assistance of counsel provided good cause to overcome the procedural bars, this claim lacks merit. The ineffective-assistance-of-

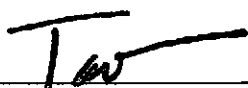
²*Bridges v. State*, Docket No. 64000 (Order of Affirmance, October 15, 2014).


counsel claims are themselves procedurally barred and cannot establish good cause. *Hathaway v. State*, 119 Nev. 248, 252-253, 71 P.3d 503, 506 (2003).

To the extent Bridges claims he was not aware of two statutes regarding destruction of court records, Bridges fails to demonstrate his lack of knowledge amounts to good cause to overcome the procedural bars. Any claim raised under these two statutes was available to be raised in a timely petition and Bridges has failed to demonstrate an impediment external to the defense prevented him from raising the claim in a timely manner. *See id.* Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Patrick Flanagan, District Judge
Randy Maurice Bridges
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk