

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL JOSEPH JARVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70691

FILED

MAR 23 2017

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

ORDER OF AFFIRMANCE

Appellant Daniel Joseph Jarvis appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on May 23, 2016.¹ Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Jarvis claimed he was entitled to presentence credit for time spent in the county jail. A defendant seeking presentence credit by way of a postconviction petition for a writ of habeas corpus must comply with the procedural requirements set forth in NRS chapter 34. *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006).

Jarvis did not file a direct appeal and his habeas petition was filed more than two years after the judgment of conviction was entered on July 23, 2013; consequently, Jarvis' petition was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).


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

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Jarvis did not attempt to demonstrate good cause for the delay, and the district court should have denied his untimely petition as procedurally barred. *See id.*; *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). However, because the district court's decision reached the correct result, *see Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970), we

ORDER the judgment of the district court AFFIRMED.²

 _____, C.J.
Silver

 _____, J.
Tao

 _____, J.
Gibbons

cc: Hon. Robert W. Lane, District Judge
Daniel Joseph Jarvis
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk

²We deny Jarvis' March 16, 2017, motion to expedite.