


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ABRAHAM NOAH LEBRON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73083

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Abraham Noah Lebron, Jr., appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Lebron filed his petition on October 12, 2016, more than one year after entry of the judgment of conviction on October 2, 2015.² Thus, Lebron's petition was untimely filed. *See* NRS 34.726(1). Lebron's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*


Lebron claimed the procedural time bar should not apply because he delivered his petition to prison officials for mailing prior to the

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


²Lebron did not pursue a direct appeal. In addition, the district court entered an amended judgment of conviction on December 9, 2015, to correct a clerical error. Lebron did not raise any claims involving entry of the amended judgment of conviction, and thus, entry of the amended judgment of conviction did not provide good cause for raising his claims. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

timely-filing deadline and it should be considered filed on that date due to the prison mailbox rule. However, the prison mailbox rule does not apply to postconviction petitions for a writ of habeas corpus. *See Gonzales v. State*, 118 Nev. 590, 595, 53 P.3d 901, 904 (2002). Because Lebron's petition was not timely filed, the district court properly denied it as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Abraham Noah Lebron, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³The district court's order states it denied the petition without prejudice. However, NRS chapter 34 does not contemplate denial of a petition challenging a judgment of conviction without prejudice. *See generally* NRS 34.830(2). Nevertheless, the district court properly denied relief, and we therefore affirm. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) ("If a judgment or order of a trial court reaches the right result, although it is based on an incorrect ground, the judgment or order will be affirmed on appeal.").