

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACQUELINE STEPHENS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74821

FILED

SEP 26 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jacqueline Stephens appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 23, 2017.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Stephens did not file a direct appeal and her habeas petition was filed more than a year after the entry of the judgment of conviction on January 11, 2016; consequently, it was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).


To show cause for a delay, “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). To show undue prejudice, “a petitioner must show that errors in the proceedings underlying the judgment worked to the petitioner’s actual and substantial disadvantage.” *State v. Huebler*, 128 Nev. 192, 197, 275 P.3d 91, 95 (2012).

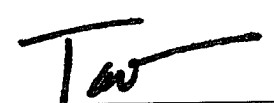
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

Even assuming, without deciding, that Stephens showed good cause for the delay by demonstrating the district court granted her motions for more time in which to file her petition,² we conclude she failed to show undue prejudice sufficient to overcome the procedural bar. Stephens' ineffective-assistance-of-counsel claims did not show errors that worked to her actual and substantial disadvantage because most of them consisted of bare allegations and none of them suggested a reasonable probability that, but for counsel's errors, she would not have pleaded guilty and would have insisted on going to trial. *See Kirksey v. State*, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996); *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). And her due process, restitution, and statute-of-limitations claims fell outside the narrow scope of claims permissible in a postconviction habeas petition challenging a judgment of conviction based on a guilty plea. *See* NRS 34.810(1)(a).

We conclude the district court did not err by denying Stephens' procedurally barred postconviction habeas petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²Although the district court disregarded a mandatory procedural default rule by granting Stephens' motions for addition time to file her postconviction habeas petition, *see* NRS 34.726(1); *State v. Haberstroh*, 119 Nev. 173, 180, 69 P.3d 676, 681 (2003), it reached the right result by denying her untimely petition, *see generally Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

cc: Hon. Stefany Miley, District Judge
Jacqueline Stephens
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk