

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEBARON SANDERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75412-COA

FILED

MAR 14 2019

ELIZABETH A. BROWN  
CLERK OF APPEALS COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Debaron Sanders appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 19, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Sanders filed his petition four years after issuance of the remittitur on direct appeal on June 11, 2013. *Sanders v. State*, Docket No. 59355 (Order of Affirmance, May 14, 2013). Thus, Sanders' petition was untimely filed. *See* NRS 34.726(1). Moreover, Sanders' petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petitions.<sup>2</sup> *See* NRS 34.810(1)(b)(2); NRS 34.810(2).

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

<sup>2</sup>*See Sanders v. State*, Docket No. 69790 (Order of Affirmance, November 18, 2016). Sanders did not appeal from the denial of his petition filed on June 28, 2014.

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Sanders' 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).


Sanders argued he had good cause to overcome the procedural bars because of the Legislature's passage of NRS 176.017, NRS 176.025, and NRS 213.12135 which provide for lesser sentences or earlier parole eligibility for persons under the age 18 who were tried as adults. Sanders argues these statutes should apply to him even though he was not under the age of 18 at the time he committed his crimes. Further, he argued the Legislature's decision to limit the application of these statutes to persons under the age of 18 did not have a rational basis.


We conclude these statutes did not provide good cause to overcome the procedural bars. First, Sanders raised this claim more than one year after the passage of these statutes and he fails to demonstrate good cause for the entire length of his delay in raising his claim. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Ignorance of the law does not constitute good cause. See *id.*; *Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988). Second, these statutes did not apply to Sanders because he was over the age of 18 at the time he committed his crimes. See NRS 176.017; NRS 176.025; NRS 213.12135(1). Finally, Sanders failed to demonstrate there was no rational basis for the Legislature to limit application of these statutes to those under the age of 18. See *Vickers v. Dzurenda*, 134 Nev. \_\_\_, \_\_\_, 433 P.3d 306, 309 (Ct. App. 2018) (stating "this court will uphold the legislation so long as the challenged [legislation] is rationally related to a legitimate governmental

interest" (internal quotation marks omitted)). Therefore, we conclude the district court did not err by denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Douglas W. Herndon, District Judge  
Debaron Sanders  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk