

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN DANIEL ORRE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72230

FILED

OCT 11 2017

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

ORDER OF AFFIRMANCE

Steven Daniel Orre appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on September 20, 2016.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Orre claims the district court erred by construing his petition as a challenge to the computation of time and denying it as moot instead of addressing the claim he actually raised, that the State breached the guilty plea agreement by failing to deduct statutory credits from his minimum sentence as required by the statute in effect at the time of his crime. Even assuming Orre is correct and the district court's reason for denying his petition was wrong, we conclude the district court reached the right result and Orre is not entitled to relief. *See Wyatt v. State*, 86 Nev. 294, 298, 468

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

P.2d 338, 341 (1970) (this court will affirm the judgment of a district court if it reached the right result albeit for a wrong reason).

Orre's petition was untimely because it was filed more than 16 years after the remittitur on direct appeal was issued on December 15, 1999,² and it was successive because he had previously filed five postconviction petitions for writs of habeas corpus.³ See NRS 34.726(1); NRS 34.810(2). Therefore, Orre's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3); *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) ("Application of the statutory procedural default rules to postconviction habeas petitions is mandatory.").


Orre claimed he had good cause to excuse the procedural bars because he was unaware the Nevada Department of Corrections was misapplying statutory good time credits until he read about an unpublished Nevada Supreme Court decision in a prison press release. We conclude Orre's claim does not demonstrate good cause because he has not shown "that an impediment external to the defense prevented him or her from complying with the state procedural default rules." *Hathaway v. State*, 119


²See *Orre v. State*, Docket No. 34558 (Order Dismissing Appeal, November 19, 1999).

³See *Orre v. State*, Docket No. 64245 (Order of Affirmance, February 13, 2014); *Orre v. State*, Docket No. 60081 (Order of Affirmance, June 14, 2012); *Orre v. State*, Docket No. 37353 (Order of Affirmance, December 17, 2001). Orre did not appeal from the district court orders denying his first two habeas petitions.

Nev. 248, 252, 71 P.3d 503, 506 (2003). Accordingly, we conclude the district court reached the right result, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Steven Daniel Orre
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk