

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAFAEL ANTONIO REID,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77924-COA

RAFAEL ANTONIO REID,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77925-COA

FILED

NOV 19 2018

ELIZABETH L. BROWN
CLERK OF SUPREME COURT

BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rafael Antonio Reid appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 24, 2018, in district court case numbers A-18-778249-W and C-13-291082-1. The cases were consolidated on appeal. *See* NRAP 3(b). Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Reid filed his petition more than two years after issuance of the remittitur on direct appeal on June 13, 2016. *See Reid v. State*, Docket No. 69362-COA (Order of Affirmance, May 17, 2016). Reid's petition was therefore untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

Reid claimed he had good cause because he was abandoned by appellate counsel. Specifically, Reid claimed he made several attempts to learn whether counsel had filed an appeal and, if so, what the status of the appeal was. A petitioner may demonstrate cause for delay by


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demonstrating the basis for the claim was not reasonably available or that official interference made it impractical to comply with the time limitation, and the argument must explain the entire delay. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003).

Reid did not allege that counsel affirmatively misrepresented the status of his appeal. Further, the record before this court demonstrates Reid knew how to request information directly from both the district court and the appellate court. Reid did not explain his delay in requesting that information. Based on these facts, Reid failed to demonstrate cause for the delay. Accordingly, we cannot conclude the district court erred by denying his petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michelle Leavitt, District Judge
Rafael Antonio Reid
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk