

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN J. BEAGLES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79846-COA

**FILED**

**AUG 12 2020**

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

*ORDER OF AFFIRMANCE*

Kevin J. Beagles appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 21, 2019. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Beagles filed his petition more than three years after entry of the order for revocation of probation and amended judgment of conviction on December 17, 2015.<sup>1</sup> Thus, Beagles' petition was untimely filed. *See* NRS 34.726(1). Beagles' petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Further, because the State specifically pleaded laches, Beagles was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2).

Beagles claimed he had good cause to excuse the procedural time bar because he did not know that he could appeal from the order for revocation of probation and amended judgment of conviction. Beagles' alleged ignorance did not constitute good cause because it was not "an

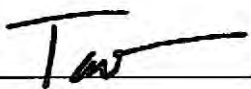
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<sup>1</sup>Beagles did not appeal from the amended judgment of conviction.

impediment external to the defense.” See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). To the extent Beagles claimed counsel’s deficiency in failing to appeal from the order for revocation of probation and amended judgment of conviction constituted good cause, that allegation itself was procedurally barred and thus could not constitute good cause. See *id.* Further, Beagles failed to overcome the presumption of prejudice to the State pursuant to NRS 34.800(2). We therefore conclude the district court did not err by denying Beagles’ petition as procedurally time barred, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Mary Kay Holthus, District Judge  
Kevin J. Beagles  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk