

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARNELL GRAHAM HARRIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80227-COA

**FILED**

AUG 31 2020

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

*ORDER OF AFFIRMANCE*

Darnell Graham Harris appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on April 5, 2018. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Harris's petition was untimely because it was filed more than 14 years after the remittitur on direct appeal was issued on November 18, 2003;<sup>1</sup> 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). In an attempt to show good cause, Harris argued that he did not understand the law and he was unable to get any transcripts at the State's expense.

Harris's lack of legal knowledge does not constitute good cause. *See Phelps v. Director, Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding a petitioner's limited intelligence and poor legal assistance from inmate law clerks did not establish good cause), *superseded*

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<sup>1</sup>*See Harris v. State*, Docket No. 39461 (Order Affirming in Part and Denying in Part, July 28, 2003).

by statute on other grounds as stated in *State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681 (2003). And he has not adequately explained how the absence of transcripts prevented him from filing a timely postconviction habeas petition. See *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003) (“[A]n adequate allegation of good cause would sufficiently explain why a petition was filed beyond the statutory time period.”). Therefore, we conclude the district court did not err by denying his procedurally barred petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Kathleen E. Delaney, District Judge  
Darnell Graham Harris  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk