


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TREVOR BURNS,
Appellant,
vs.
THE STATE OF NEVADA; AND JAMES
COX,
Respondents.

No. 80580-COA

FILED

NOV 13 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Trevor Burns appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 6, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Burns filed his petition more than four years after entry of the judgment of conviction on September 9, 2015, and more than two years after entry of the amended judgment of conviction on April 10, 2017.¹ Thus, Burns's petition was untimely filed. *See* NRS 34.726(1). Burns's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

Burns failed to allege in his petition any good cause for why he was filing his petition more than one year after the entry of his judgment of conviction and his amended judgment of conviction. Therefore, Burns's

¹Burns's claims did not challenge any changes made in the second amended judgment of conviction filed on March 4, 2019. Therefore, the second amended judgment of conviction would not provide good cause to overcome the procedural bar. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

petition should have been denied as procedurally time barred. The district court erred by considering Burns's claims on their merits, because "[a]pplication of the statutory procedural default rules to post-conviction habeas petitions is mandatory." See *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 Nev. P.3d 1070, 1074 (2005). Nevertheless, because Burns was not entitled to relief, we affirm. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Trevor Burns
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²To the extent Burns claims the district court erred by failing to correct his presentence investigation report, this claim was not raised below and we decline to consider it for the first time on appeal. See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).