

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAAIM WASHINGTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82001-COA

**FILED**

JUL 12 2021

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

*ORDER OF AFFIRMANCE*

Saaim Washington appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 6, 2020. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Washington filed his petition more than one year after entry of the judgment of conviction on April 10, 2018.<sup>1</sup> Thus, Washington's petition was untimely filed. *See* NRS 34.726(1). Moreover, Washington's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>2</sup> *See* NRS 34.810(2). Washington's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3).

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<sup>1</sup>Washington did not file a direct appeal.

<sup>2</sup>*See Washington v. State*, Docket Nos. 77826-COA, 77827-COA (Order of Affirmance, December 11, 2019).

In his petition, Washington appears to argue that the wrong amount of presentence credits in the judgment of conviction rendered it void, and, therefore he can bring this petition at any time. The Nevada Supreme Court has concluded that a claim for presentence credits should be raised on direct appeal or in a first, timely postconviction petition for a writ of habeas corpus, because it is a challenge to the judgment of conviction and sentence. *See Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Further, “a claim for presentence credit is a claim reasonably available to a petitioner within one year after entry of the judgment of conviction.” *See id.* at 743, 137 P.3d at 1169. Therefore, Washington was required to file his claim in his first, timely postconviction petition. He failed to do so or to otherwise demonstrate that his judgment of conviction is void. Thus, Washington has failed to demonstrate good cause and prejudice to overcome the procedural bars. Accordingly, we conclude the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

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

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

<sup>3</sup>Because the procedural bars are mandatory, *see State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005), we conclude the district court erred by denying the petition on the merits. Nevertheless, we affirm for the reasons discussed above. *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).

cc: Hon. Cristina D. Silva, District Judge  
Saaim Washington  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk