

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEISHAWN LASHAWNTAE  
CRANFORD,  
Appellant.  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83092-COA

**FILED**

NOV 05 2021

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

*ORDER OF AFFIRMANCE*

Keishawn Lashawntae Cranford appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 2, 2021. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Cranford filed his petition nearly five years after issuance of the remittitur on direct appeal on June 13, 2016. *See Cranford v. State*, Docket No. 68703-COA (Order of Affirmance, May 17, 2016). Thus, Cranford's petition was untimely filed. *See* NRS 34.726(1). Moreover, Cranford's petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>1</sup> *See* NRS 34.810(2). Cranford's petition was procedurally barred absent a demonstration of good cause and actual prejudice, *see* NRS 34.726(1); NRS 34.810(3), or that he was actually innocent such that it would result in a fundamental miscarriage of justice were his claims not decided on the merits, *see Berry v. State*, 131 Nev. 957, 966, 363 P.3d 1148, 1154 (2015).


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<sup>1</sup>*See Cranford v. State*, Docket No. 75494 (Order of Affirmance, March 15, 2019).

Cranford did not allege good cause or actual prejudice. Rather, Cranford contended he was actually innocent. However, Cranford's bare claim did not demonstrate actual innocence because he failed to allege that "it is more likely than not that no reasonable juror would have convicted him in light of . . . new evidence." *Calderon v. Thompson*, 523 U.S. 538, 559 (1998) (quoting *Schlup v. Delo*, 513 U.S. 298, 327 (1995)); see also *Pellegrini v. State*, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001), *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423 n.12, 423 P.3d 1084, 1097 n.12 (2018). We therefore conclude the district court did not err by denying Cranford's petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jacqueline M. Bluth, District Judge  
Keishawn Lashawntae Cranford  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk