

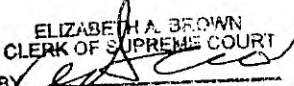
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HYKEEM TYRESE WELDON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84354-COA

FILED

SEP 14 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Hykeem Tyrese Weldon appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 16, 2020. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

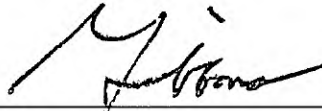
Weldon filed his petition nearly three years after entry of the judgment of conviction on November 21, 2017.¹ Thus, Weldon's petition was untimely filed. *See* NRS 34.726(1). Weldon's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Weldon failed to allege good cause in his petition


¹Weldon did not file a direct appeal. An amended judgment of conviction was filed on August 3, 2020. Because Weldon's claims challenged the proceedings regarding only the original judgment of conviction, the amended judgment of conviction did not restart the timeline for filing a postconviction petition. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004).

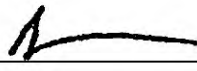
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below, and therefore, we conclude the district court did not err by denying Weldon's petition as procedurally barred.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Erika D. Ballou, District Judge
Hykeem Tyrese Weldon
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²To the extent Weldon argues on appeal that ineffective assistance of counsel can constitute good cause, this claim was not raised below, and we decline to consider it for the first time on appeal. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).