

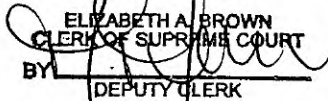
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KATHRYN E. CLARK, A/K/A KATHRYN
ELIZABETH ALLEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85835-COA

FILED

JUL 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kathryn E. Clark appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 2, 2021. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.


Clark filed her petition more than one year after entry of the judgment of conviction on October 1, 2020.¹ Thus, Clark's petition was untimely filed. *See* NRS 34.726(1). Clark's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*; *Gonzales v. State*, 118 Nev. 590, 593, 53 P.3d 901, 902-03 (2002) (strictly construing the one-year deadline imposed in NRS 34.726(1) and concluding that a petition filed one year and two days after the deadline was untimely). Clark failed to allege good cause to overcome the procedural bar. Therefore, we conclude the district court did not err by denying her petition.²


¹Clark did not pursue a direct appeal.

²The district court failed to address the procedural bar and instead denied the petition on the merits. We conclude this was error. *See State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074

Clark also argues for the first time on appeal that she entered her plea under duress, that counsel was ineffective, that the judgment of conviction contains an error, and that she is innocent. Because Clark did not raise these claims below, we decline to consider them for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). Therefore, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Bulla

cc: Hon. Crystal Eller, District Judge
Kathryn E. Clark
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk

(2005) (“Application of the statutory procedural default rules to post-conviction habeas petitions is mandatory.”). We nevertheless affirm the district court’s denial of relief for the reasons stated herein. *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).

³The Honorable Deborah L. Westbrook did not participate in the decision in this matter.