

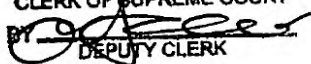
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH GLYN COSSMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86181-COA

FILED

JAN 25 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Joseph Glyn Cossman appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 21, 2020. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Cossman filed a postconviction petition challenging both the validity of his guilty plea and the revocation of his probation. On appeal, Cossman only challenges the district court's denial of his claims relating to the validity of his plea. Cossman filed his petition more than two years after entry of his original judgment of conviction on August 6, 2018, and he did not appeal from that judgment of conviction. Thus, Cossman's claims within the petition that challenged the validity of his guilty plea were untimely. *See* NRS 34.726(1); *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (directing a district court to consider whether any or all of the habeas petitioner's claims were procedurally barred). Cossman's claims challenging the validity of his guilty plea were procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1).

While an order revoking probation and amended judgment of

conviction was filed on September 25, 2018,¹ this amended judgment of conviction did not provide good cause for raising the claims challenging the validity of the guilty plea because those claims did not relate to the amendment. *See Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004) (stating an amended judgment of conviction may “provide the good cause required by the statute to present appropriate post-conviction claims relating to the amendment at issue”). Further, Cossman did not argue good cause and prejudice below. *See Chappell v. State*, 137 Nev. 780, 787, 501 P.3d 935, 949 (2021) (stating that “a petitioner’s explanation of good cause and prejudice for each procedurally barred claim must be made on the face of the petition”). Thus, we conclude that Cossman’s claims challenging the validity of his plea were procedurally time-barred and that he is not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²



_____, C.J.
Gibbons



_____, J.
Bulla



_____, J.
Westbrook

¹We note that Cossman filed an appeal from the order revoking probation and amended judgment of conviction, in which he challenged the revocation proceedings. *Cossman v. State*, No. 77140-COA, 2020-WL 832736 (Nev. Ct. App. Feb. 19, 2020) (Order of Affirmance). Remittitur issued in that case on March 16, 2020. *Id.*

²The district court erred by failing to apply the procedural time bar. *See Riker*, 121 Nev. at 231, 112 P.3d at 1074 (holding the application of procedural bars is mandatory). We nevertheless affirm the district court’s denial because it reached the correct result. *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. Ronald J. Israel, District Judge
Zaman & Trippiedi, PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk