


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAVAR ERIS KETCHUM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87012-COA

**FILED**

**AUG 08 2024**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Javar Eris Ketchum appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 24, 2023. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Ketchum filed his petition more three years after issuance of the remittitur on direct appeal on October 8, 2019. *See Ketchum v. State*, No. 75097, 2019 WL 4392486 (Nev. Sept. 12, 2019) (Order of Affirmance). Thus, Ketchum's petition was untimely filed. *See* NRS 34.726(1). Moreover, Ketchum's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits.<sup>1</sup> *See* NRS 34.810(1)(b)(2); NRS 34.810(3).<sup>2</sup> Ketchum's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(4).


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<sup>1</sup>*See Ketchum v. State*, No. 82863-COA, 2022 WL 336288 (Nev. Ct. App. Feb. 3, 2022) (Order of Affirmance).

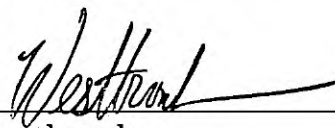
<sup>2</sup>The subsections within NRS 34.810 were recently renumbered. We note the substance of the subsections cited herein was not altered. *See* A.B. 49, 82d Leg. (Nev. 2023).

The district court determined that Ketchum failed to demonstrate good cause and prejudice to overcome the procedural bars. Ketchum does not challenge this determination on appeal. Therefore, we conclude that the district court did not err by denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Jacqueline M. Bluth, District Judge  
The Law Firm of C. Benjamin Scroggins, Chtd.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk