

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARRELL CLARK,
Appellant,
vs.
G. NAJERA, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 87752-COA

FILED

SEP 10 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Darrell Clark appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 20, 2023. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

Clark filed his petition more than one year after issuance of the remittitur on direct appeal on July 12, 2022. *See Clark v. State*, No. 83303, 2022 WL 2197116 (Nev. June 17, 2022) (Order of Affirmance). 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.*; *see also Gonzales v. State*, 118 Nev. 590, 593-96, 53 P.3d 901, 902-04 (2002) (strictly construing the one-year deadline imposed in NRS 34.726(1), declining to adopt the prison mailbox rule to the filing of postconviction habeas petitions, and concluding that a petition filed days after the one-year 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 his petition.¹

Clark also appears to raise additional claims for the first time on appeal. Because Clark did not raise these claims below, we decline to consider them for the first time on appeal. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989). Therefore, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Crystal Eller, District Judge
Darrell Clark
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The 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 Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (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).