

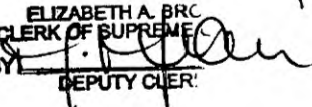
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON MICHAEL HANSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87869-COA

FILED

DEC 09 2024

ELIZABETH A. BRC
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon Michael Hanson appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 9, 2021, and a supplemental petition filed on June 19, 2023. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Hanson filed his petition more than one year after issuance of the remittitur on direct appeal on March 2, 2020. *Hanson v. State*, No. 76871-COA, 2020 WL 583914 (Nev. Ct. App. Feb. 5, 2020) (Order of Affirmance). Thus, Hanson's petition was untimely filed. *See* NRS 34.726(1). Hanson's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

The district court found that Hanson demonstrated cause for the delay. Specifically, the district court found that Hanson signed his petition on February 26, 2021, the Friday before the one-year deadline on Tuesday, March 2, 2021, and gave it to prison officials. The district court


then found that “internal machinations of the prison mailing system constitute an impediment external to the defense.” Thereafter, the district court denied the petition on the merits.

The Nevada Supreme Court rejected a similar argument in *Gonzales v. State*, when it declined to extend the “prison mailbox rule” to postconviction habeas petitions. 118 Nev. 590, 593-95, 53 P.3d 901, 903 (2002) (summarizing that “a notice of appeal submitted by a prisoner acting in proper person is deemed filed on the date that it is delivered into the hand of a prison official” pursuant to the prison mailbox rule). In *Gonzales*, the petitioner gave his postconviction habeas petition to prison officials on May 19, 2000, the Friday before the one-year deadline on Monday, May 22, 2000. *Id.* at 594, 53 P.3d at 903. *Gonzales*’ petition was received by the district court on May 23, 2000, and was filed on May 24, 2000, two days late. *Id.* The supreme court took into consideration the “vagaries of the prison mail system,” strictly construed the one-year deadline in NRS 34.726, and denied the petition as untimely. *Id.* at 595, 53 P.3d at 903.

Because Hanson failed to allege some interference by any official, *see id.* at 595 & n.15, 53 P.3d at 904 & n.15, and based on the record on appeal, we conclude that the district court erred by finding that Hanson demonstrated cause for the delay. Thus, Hanson’s petition was procedurally barred. *See State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (holding the application of the procedural bars is mandatory). Nevertheless, we affirm the district court’s

denial of Hanson's postconviction petition because the district court reached the correct result, albeit for an incorrect reason. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge
Ornoz & Ericsson, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk