

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REGINALD C. HOWARD,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 89038-COA

FILED

FEB 25 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Reginald C. Howard appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on April 22, 2024. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

Howard filed his petition nearly seven years after issuance of the remittitur on direct appeal on May 23, 2017. *See Howard v. State*, No. 69315-COA, 2017 WL 1829953 (Nev. Ct. App. Apr. 28, 2017) (Order of Affirmance). Thus, Howard's petition was untimely filed. *See* NRS 34.726(1). Moreover, Howard's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits.¹ *See* NRS 34.810(1)(b)(2); NRS 34.810(3). Howard'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). Further, because the State specifically pleaded laches, Howard

¹*See Howard v. State*, No. 74436-COA, 2018 WL 4944507 (Nev. Ct. App. Oct. 9, 2018) (Order of Affirmance). Howard also filed a postconviction habeas petition in the district court on June 28, 2023. However, there does not appear to be a written order denying this petition in the record.

was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2).

Howard claimed he had good cause to overcome the procedural bars because, when he filed his first postconviction habeas petition in 2017, his petition was not complete. Specifically, he stated that the petition he intended to file in 2017 had 16 claims and included his signature and verification pages. However, the petition filed in 2017 was only 6 pages long and did not include all 16 claims, the signature page, or the verification page. Howard stated he learned of this omission in 2018. It appears Howard argued that official interference by the district court clerk's office prevented the filing of his complete petition. A good-cause claim must be raised within one year of it becoming available. *See Rippo v. State*, 134 Nev. 411, 422, 423 P.3d 1084, 1097 (2018). Because Howard did not raise this claim within one year of it becoming available, we conclude that Howard failed to demonstrate good cause to overcome the procedural bars.

Howard also argued that the lack of a signature and verification page in his first postconviction habeas petition deprived the district court of jurisdiction to decide that petition. “[I]nadequate verification is an amendable, not jurisdictional, defect.” *Miles v. State*, 120 Nev. 383, 387, 91 P.3d 588, 590 (2004). “Once the [district] court acquires jurisdiction by the timely filing of the petition for the writ, *any defects in the petition may be cured by amendment, even after the [statutory time limit for filing the petition has] elapsed.*” *Id.* Thus, Howard failed to demonstrate that the lack of a signature or verification page deprived the district court of jurisdiction.


Finally, Howard did not overcome the presumption of prejudice to the State. *See* NRS 34.800(1), (2) (outlining the presumed prejudice to

the State and the petitioner's burden in rebutting that prejudice). For the foregoing reasons, 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.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Jennifer L. Schwartz, District Judge
Reginald Clarence Howard
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk