

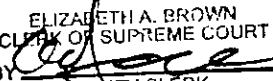
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDILFREDO CHAVEZ,
Appellant,
vs.
RENEE BAKER, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 89196-COA

FILED

MAR 24 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Edilfredo Chavez appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 7, 2019. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

Chavez filed his petition more than eight years after issuance of the remittitur on direct appeal on June 6, 2011.¹ Thus, Chavez's petition was untimely filed. *See* NRS 34.726(1). Moreover, Chavez's petition was successive because he had previously filed two postconviction petitions for a writ of habeas corpus, one of which was decided on the merits.² *See* NRS 34.810(1)(b)(2); NRS 34.810(3).³ Chavez's petition was procedurally barred

¹*Chavez v. State*, No. 53365, 2011 WL 1833367 (Nev. May 12, 2011) (Order of Affirmance).

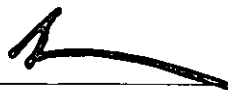
²*Chavez v. State*, No. 63600, 2014 WL 2921899 (Nev. June 24, 2014) (Order of Affirmance); *Chavez v. State*, No. 69392-COA, 2016 WL 4424942 (Nev. Ct. App. Aug. 17, 2016) (Order of Affirmance).

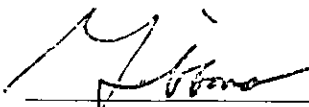
³The subsections within NRS 34.810 were recently renumbered. We note the substance of the subsections cited herein was not altered. *See* A.B. 49, 82nd Leg. (Nev. 2023).


absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(4).

In his petition, Chavez argued he had good cause because an amended judgment of conviction had been filed on June 21, 2019, and his petition was timely filed from that amended judgment of conviction. The district court found that Chavez failed to demonstrate good cause because the claims raised in his petition did not relate to the amendments made to the judgment of conviction. See *Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004) (holding that an amended judgment of conviction may be good cause to overcome the procedural bars but the claims are limited to those “challeng[ing] the proceedings leading to [the] substantive amendment to the judgment and [that] could not have been raised in prior proceedings”). Chavez does not challenge this finding on appeal, and the record supports the district court’s finding. Therefore, we conclude 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. Carli Lynn Kierny, District Judge
Edilfredo Chavez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk