

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN ERIC GOULD,
Appellant,

vs.

W. A. GITTERE, WARDEN, ELY STATE
PRISON; JAMES DZURENDA,
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS; AARON D. FORD
AND NEVADA ATTORNEY GENERAL,
Respondents.

No. 89547-COA

FILED

JUL 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY W. Barnes
DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Eric Gould appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on September 9, 2024. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

Gould first argues the district court erred by denying his petition. Gould filed his petition nearly two years after issuance of the remittitur on direct appeal on November 7, 2022. *See Gould v. State*, No. 83429, 2022 WL 6838327 (Nev. Oct. 11, 2022) (Order of Affirmance). Thus, Gould's petition was untimely filed. *See* NRS 34.726(1). Moreover, Gould's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus that was decided on the merits, and it constituted an abuse of the writ as he raised claims new and different from

those raised in his previous petition.¹ See NRS 34.810(1)(b)(2); NRS 34.810(3). Gould'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).

In his petition, Gould appeared to argue he had good cause to overcome the procedural bars because he was ordered by the federal courts to exhaust his state claims. Exhaustion of claims for federal court review is insufficient to demonstrate cause to excuse the procedural bars. See *Brown v. McDaniel*, 130 Nev. 565, 575 n.9, 331 P.3d 867, 874 n.9 (2014). Thus, we conclude that the district court did not err by denying the petition.²

Gould next argues the district court erred by not having him present at a hearing on January 3, 2024, where the district court orally denied his previous petition, and at hearings held on February 5 and February 8, 2024. Gould also argues the State's pleadings regarding his previous petition should not have been considered for various reasons. These hearings and pleadings pertained to his previous petition, and Gould should have raised any errors regarding those in an appeal from the denial of his first petition. Thus, we decline to consider these claims on appeal.

¹Gould filed a postconviction petition for a writ of habeas corpus on November 7, 2023. He did not appeal from the denial of this petition.

²The district court did not apply the mandatory procedural bars below. Nevertheless, we conclude that the district court reached the correct result. 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).

Gould next argues the district court erred by not having him present at hearings held on March 6, 2024, September 30, 2024, and October 14, 2024. These hearings occurred after the district court denied Gould's previous postconviction petition; however, Gould fails to demonstrate his presence was required at these hearings because it does not appear that any evidence or testimony was presented at these hearings. *Cf. Gebers v. State*, 118 Nev. 500, 504, 50 P.3d 1092, 1094 (2002) (concluding a petitioner's statutory rights were violated when she was not present at a hearing where testimony and evidence were presented). Therefore, we conclude that Gould is not entitled to relief on this claim.

Gould next argues the State's opposition to his request to file a second postconviction petition should not have been considered because the opposition misnames him in the caption and lists the State as the respondent when it should have been the warden. Gould fails to demonstrate that these alleged, curable errors rendered the district court unable to consider the opposition. Further, even if the pleading should not have been considered, Gould fails to demonstrate his substantial rights were violated given the fact that his second postconviction petition was procedurally barred and subject to summary dismissal. *See* NRS 178.598 ("Any error, defect or irregularity or variance which does not affect substantial rights shall be disregarded."); *see also* NRS 34.745(3) (providing for summary dismissal if it is plain from the face of a successive petition that a petitioner is not entitled to relief); *State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (stating that the



application of the procedural bars is mandatory). Therefore, we conclude that Gould is not entitled to relief on this claim.

Finally, Gould argues the State falsified the district court order for the hearing that commenced on October 23, 2024. Gould does not state what was falsified in the order. Thus, we decline to address this claim. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (explaining this court need not consider an appellant's argument that is not cogently argued or lacks the support of relevant authority). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

³To the extent that Gould provides argument in support of a document entitled "directive to take judicial notice," filed on January 7, 2025, the Nevada Supreme Court denied that document on January 10, 2025.

cc: Hon. Jennifer L. Schwartz, District Judge
Steven Eric Gould
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk