


IN THE SUPREME COURT OF THE STATE OF NEVADA

JACOB TAYLOR BELFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88584

**FILED**

**AUG 15 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing appellant's postconviction petitions for a writ of habeas corpus. Second Judicial District Court, Washoe County; Lynne K. Jones, Judge.

A postconviction petition for a writ of habeas corpus must be filed within one year after entry of the judgment of conviction when a direct appeal is not filed. NRS 34.726(1). Additionally, this court has determined that the prison mailbox rule does not apply to a postconviction petition for a writ of habeas corpus and the date that a petition is filed in the district court controls for purposes of NRS 34.726(1). *See Gonzales v. State*, 118 Nev. 590, 595, 53 P.3d 901, 904 (2002) (rejecting the prison mailbox rule and applying the procedural time bar to a petition filed one day late). Appellant Jacob Belford filed the two petitions four days and one month, respectively, after the one-year deadline for filing a timely petition. Thus, Belford's petitions were untimely filed and are procedurally barred absent a demonstration of good cause and actual prejudice. NRS 34.726(1).


To establish good cause, "a petitioner must show that an impediment external to the defense prevented him or her from complying

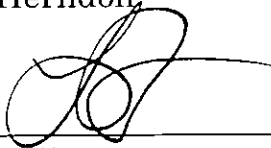
with the state procedural default rules.” *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). The fact that the petitions were only four days and one month late does not constitute good cause. Nor does the fact that this is Belford’s first pass through the postconviction process. And although counsel’s failure to file a direct appeal or postconviction habeas petition despite *affirmatively representing* to a client that one was filed can constitute good cause, that did not happen here. *See id.* at 255, 71 P.3d at 508 (applying this principle to a direct appeal); *Harris v. State*, 133 Nev. 683, 688, 407 P.3d 348, 352-53 (Ct. App. 2017) (applying this principle to a postconviction petition). To constitute good cause, the petitioner must establish that they reasonably believed counsel had filed an appeal or habeas petition and that the petition at issue was filed within a reasonable time of learning nothing had been filed. *Hathaway*, 119 Nev. at 255, 71 P.3d at 508; *Harris*, 133 Nev. at 688, 407 P.3d at 352. Here, Belford does not assert that trial counsel told Belford anything had been filed, and thus Belford did not demonstrate he held a reasonable belief trial counsel had filed an appeal or petition. And almost six months before the deadline to file a timely petition, Belford received a letter from trial counsel, which explained that counsel had not filed an appeal, would not be filing an appeal, and would not work on the matter further. Given these circumstances, Belford did not demonstrate that the petitions were filed within a reasonable time after Belford learned that counsel had not filed anything either.

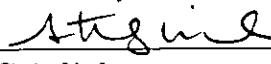
Accordingly, Belford has not demonstrated good cause to excuse the procedural bar. *See State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (noting that “[a]pplication of the statutory procedural default rules to post-conviction habeas petitions is mandatory”).

Despite the district court's error in finding Belford had demonstrated good cause for the delay, we nevertheless conclude that the district court did not err in dismissing Belford's petition. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (explaining that a correct result will not be reversed simply because it is based on the wrong reason). Therefore, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Bell

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Lynne K. Jones, Chief Judge  
Michael Lasher LLC  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk