

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN CANONICO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 90104-COA

**FILED**

SEP 16 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Melissa Fisher*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Steven Canonico appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 30, 2024. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Canonico filed his petition more than one year after entry of the judgment of conviction on July 28, 2023.<sup>1</sup> Thus, Canonico's petition was untimely filed. *See* NRS 34.726(1). Canonico's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id*; *see also Gonzales v. State*, 118 Nev. 590, 593-96, 53 P.3d 901, 902-04 (2002) (strictly construing the one-year deadline imposed in NRS 34.726(1), rejecting the prison mailbox rule, and concluding


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<sup>1</sup>Canonico argues his petition was timely filed within one year from the issuance of the remittitur on direct appeal. However, because Canonico's direct appeal was dismissed as untimely filed, *see Canonico v. State*, No. 87438, 2023 WL 7288848 (Nev. Nov. 3, 2023) (Order Dismissing Appeal), the operative date for the timely filing of his petition was one year from the date the judgment of conviction was entered, *see Gonzales v. State*, 118 Nev. 590, 593, 53 P.3d 901, 902 (2002) ("In cases where the defendant has filed a *timely* direct appeal, the one-year period for filing a post-conviction habeas petition commences to run from the date that this court issues its remittitur." (emphasis added)).

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a petition filed days after the one-year deadline was untimely). Canonico did not allege in his petition below good cause to overcome the procedural bar. *See Chappell v. State*, 137 Nev. 780, 787, 501 P.3d 935, 949 (2021) (providing that “a petitioner’s explanation of good cause and prejudice for each procedurally barred claim must be made on the face of the petition”).<sup>2</sup> Therefore, we conclude the district court did not err by denying Canonico’s petition, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

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<sup>2</sup>In his reply to the State’s response to this petition, Canonico argued an impediment external to the defense prohibited him from timely filing his petition. Canonico alleged that lockdowns caused by deaths at Ely State Prison resulted in prison officials restricting movement within the prison which denied him access to the prison law library. Canonico also appeared to argue he had good cause because trial-level counsel was ineffective. Canonico did not obtain permission from the district court to file this pleading, *see* NRS 34.750(5), and the district court did not consider this argument in its written order. Therefore, we decline to consider the arguments contained in the reply brief in the first instance on appeal. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989).

cc: Hon. Susan Johnson, District Judge  
Steven Anthony Canonico  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk