


IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
KALEB HARRIS,
Respondent.

No. 89878

FILED

FEB 12 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order granting in part respondent Kaleb Harris's postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Nadia Krall, 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). Harris filed the petition more than three years after that deadline expired. Thus, Harris's petition was untimely filed and procedurally barred absent a demonstration of good cause and actual prejudice. *Id.*

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). And the good-cause claim itself must not be procedurally defaulted. *Id.*

The State argues the district court erred by finding Harris demonstrated good cause for the delay in filing the petition due to trial counsel's failure to file a direct appeal, the COVID-19 pandemic, and Harris's lack of legal knowledge. We agree.

First, while counsel's failure to file a direct appeal despite affirmative representations to the client that an appeal had been filed can constitute good cause, the petition must be filed within a reasonable time after the petitioner learns that no direct appeal was filed. *Hathaway*, 119 Nev. at 255, 71 P.3d at 508. A claim is raised within a reasonable time when the petition is filed within one year after the factual or legal basis for the claim becomes available. *See Rippo v. State*, 134 Nev. 411, 422, 423 P.3d 1084, 1097 (2018) (holding a good-cause claim must be raised within one year of its becoming available).

Here, even assuming Harris had an objectively reasonable belief that counsel had filed a direct appeal, the record reflects that Harris knew counsel was not pursuing a direct appeal no later than November 23, 2020. On that date, Harris filed a motion to withdraw counsel because counsel had not filed an appeal. Harris filed the postconviction habeas petition more than one year later, on January 12, 2022. Thus, Harris failed to file the petition within a reasonable time after learning that counsel had not filed a direct appeal.

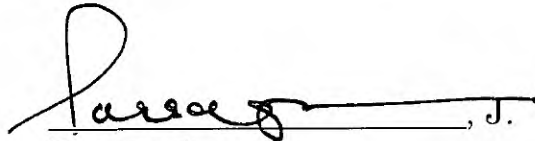
Second, the district court erred in finding good cause based on the difficulty in accessing the prison law library during the COVID-19 pandemic and Harris's lack of legal knowledge. These reasons for the delay are both procedurally and substantively insufficient. Procedurally, Harris did not assert either of these circumstances as good cause in the original or the supplemental petition. *See Chappell v. State*, 137 Nev. 780, 787, 501

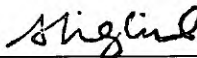
P.3d 935, 949 (2021) (explaining that under pleading standards provided in NRS Chapter 34, to avoid dismissal, “a petitioner’s explanation of good cause and prejudice for each procedurally barred claim must be made on the face of the petition”). Substantively, one of the circumstances is belied by the record and the other lacks merit. The record demonstrates that the pandemic and any related restrictions on access to the law library had not kept Harris from pursuing legal claims. For example, Harris filed multiple documents with the district court during the COVID-19 pandemic. Thus, the district court erred in relying on access to the law library as good cause for Harris’s delay. *See Lewis v. Casey*, 518 U.S. 343, 351 (1996) (noting a prisoner must “demonstrate that the alleged shortcomings in the library or legal assistance program hindered his efforts to pursue a legal claim”). And this court has determined that lack of legal knowledge generally does not constitute good cause. *See Phelps v. Dir., Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988) (holding that petitioner’s claim of organic brain damage, borderline mental retardation and reliance on assistance of an inmate law clerk unschooled in the law did not constitute good cause for excusing procedural defects), *superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 69 P.3d 676 (2003).

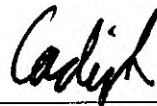
The district court erred by finding Harris demonstrated good cause for the delay. Thus, Harris’s petition was procedurally barred. *See State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (holding the application of the procedural bars is mandatory). Accordingly, we

ORDER the judgment of the district court REVERSED AND

REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Cadish

cc: Hon. Nadia Krall, District Judge
Attorney General/Carson City
Clark County District Attorney
Nevada State Public Defender's Office
Eighth District Court Clerk