



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JIMMY HAYES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90971-COA

ORDER OF AFFIRMANCE

Jimmy Hayes appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on January 18, 2024. Eighth Judicial District Court, Clark County; Jasmin D. Lilly-Spells, Judge.

Hayes filed his petition more than one year after the entry of the judgment of conviction on January 7, 2023.¹ Thus, Hayes' petition was untimely filed.² See NRS 34.726(1). Hayes' petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.* In his petition, Hayes did not allege 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

¹Hayes did not file a notice of appeal from his judgment of conviction.

²The district court subsequently amended the judgment of conviction. The claims raised in Hayes' petition, however, challenged the validity of his guilty plea and the effectiveness of counsel during plea and pre-plea proceedings and did not relate to the amendments to the judgment of conviction. See *Sullivan v. State*, 120 Nev. 537, 541, 96 P.3d 761, 764 (2004) ("Absent a showing of good cause . . . untimely post-conviction claims that arise out of the proceedings involving the initial conviction or the direct appeal and that could have been raised before the judgment of conviction was amended are procedurally barred. ").

cause and prejudice for each procedurally barred claim must be made on the face of the petition”). Therefore, we conclude the district court did not err by denying Hayes’ petition.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Jasmin D. Lilly-Spells, District Judge
The Gersten Law Firm PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³Application of the procedural bars is mandatory. *State v. Eighth Jud. Dist. Ct. (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Because Hayes’ petition was untimely filed and Hayes did not allege good cause to overcome the procedural bar, the district court erred in considering Hayes’ petition on the merits. We nevertheless affirm the district court’s denial of the petition. *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).