

IN THE SUPREME COURT OF THE STATE OF NEVADA

HAROLD WILLARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54885

FILED

DEC 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant filed his petition on September 18, 2006, almost two years after the judgment of conviction was filed on November 29, 2004.¹ Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. Id. "Application of the statutory procedural default rules to post-conviction habeas petitions is mandatory." State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). A petitioner has the burden of pleading and proving facts to demonstrate good cause to excuse the delay. State v. Haberstroh, 119 Nev. 173, 181, 69 P.3d 676, 681 (2003). "Appellate courts will not disturb a trial court's discretion in determining the existence of good cause except for clear cases of abuse." Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989).

¹No direct appeal was taken.

In the proceedings below, the district court denied appellant's claim that his trial counsel's failure to file a direct appeal provided good cause to excuse the delay in filing the petition. On appeal, appellant provides no arguments concerning the denial of his good-cause claim. "It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court." Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). As appellant fails to raise any arguments concerning the denial of his good-cause claim, we conclude that appellant's petition was properly denied as it is procedurally barred.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

²As the district court denied appellant's good-cause claim, it should have denied his underlying claims as procedurally barred. However, the district court considered and denied the underlying claims on the merits. We conclude that the district court erred in considering those claims on the merits, but reached the correct result in denying the petition, and therefore, we affirm the decision of the district court to deny relief. See generally Kraemer v. Kraemer, 79 Nev. 287, 291, 382 P.2d 394, 396 (1963) (noting that a correct result will not be reversed simply because it is based on the wrong reason). Further, to the extent appellant attempts to frame a jurisdictional claim, appellant failed to demonstrate that the district court was without jurisdiction. NRS 62B.330(3)(b); NRS 4.370(3).

cc: Hon. James Todd Russell, District Judge
Kay Ellen Armstrong
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk