

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAYQUON GLOVER, A/K/A DAYQUAN
GLOVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76254-COA

FILED

APR 29 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Dayquon Glover appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 20, 2018.¹ Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

On appeal, Glover claimed the district court erred by denying his claim that he was entitled to additional presentence credits. Glover filed his petition nearly five years after entry of the judgment of conviction on March 1, 2013.² Thus, Glover's petition was untimely filed. *See* NRS 34.726(1). Glover's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See*


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²Glover did not appeal from his judgment of conviction.

id. Glover failed to allege cause for the delay or undue prejudice in his petition. Therefore, he failed to demonstrate he was entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Dayquon Glover
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³In its order, the district court decided the petition on the merits. This was error because application of the procedural bars is mandatory. See *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Nevertheless, because the district court reached the correct result, we affirm the district court's denial of the petition. See *Wyatt v. State*, 86 Nev. 292, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).