

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LARRY JAMES WASHINGTON,
Appellant,
vs.
ISIDRO BACA, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 82842-COA

FILED

JUN 02 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Larry James Washington appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 20, 2019, and a supplement filed on November 12, 2020.¹ Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Washington's petition was filed more than one year after issuance of the remittitur on direct appeal on September 10, 2018. See *Washington v. State*, No. 67445, 2018 WL 3544973 (Nev. July 20, 2018)

¹The district court order denying Washington's petition stated the petition was filed on October 7, 2019. However, Washington initially lodged his petition in the First Judicial District Court before it was transferred. The order transferring action provides that Washington's petition was received by the First Judicial District Court Clerk on September 20, 2019. This serves as the date on which the petition was filed. See 1999 Nev. Stat., ch. 59, § 3 at 146 (providing that a petition not filed in the district court for the appropriate county "[s]hall be deemed to be filed on the date it is received by the clerk of the district court in which the petition is initially lodged") (formerly NRS 34.738(2)).

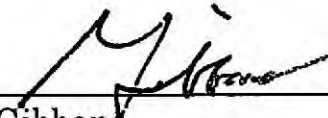
(Order of Affirmance). Thus, Washington's petition was untimely filed. See NRS 34.726(1). Washington's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.*

On appeal, Washington claims he can demonstrate good cause because his transfer to another correctional institution rendered him without access to his legal documents. Washington did not raise this good-cause claim in his petition or supplemental petition, and the district court denied Washington's request to consider this later-raised claim. The district court has discretion whether to consider later-raised claims. See NRS 34.750(5); *Barnhart v. State*, 122 Nev. 301, 303, 130 P.3d 650, 651 (2006) ("Generally, the only issues that should be considered by the district court [] on a post-conviction habeas petition are those which have been pleaded in the petition or a supplemental petition and those to which the State has had an opportunity to respond."). Washington does not challenge the district court's decision to not consider this good-cause claim. Because this claim was not properly raised below, we decline to consider it for the first time on appeal. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

Washington also claims on appeal that he can demonstrate good cause because the delay in receiving notice of the issuance of the remittitur on direct appeal cost him time to prepare his petition. This claim was not raised below, and we decline to consider it for the first time on appeal. See

id. Therefore, we conclude Washington has failed to demonstrate the district court erred by denying his petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 9
Larry James Washington
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk