

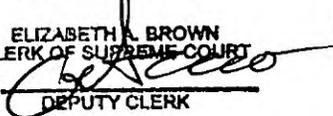
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIN DESHAUN WARE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84262-COA

FILED

AUG 26 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Erin Deshaun Ware appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Bitia Yeager, Judge.

Ware filed his petition on October 6, 2021, more than three years after entry of the judgment of conviction on April 19, 2018.¹ Thus, Ware's petition was untimely filed. *See* NRS 34.726(1). Ware's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*

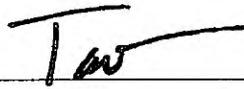
Ware appeared to claim that he had good cause because he was unaware of the procedural time bar. However, that issue did not constitute an impediment external to the defense that prevented Ware from timely filing his petition. *See Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003); *Phelps v. Dir., Nev. Dep't of Prisons*, 104 Nev. 656, 660, 764 P.2d 1303, 1306 (1988), *superseded by statute on other grounds as stated in State v. Haberstroh*, 119 Nev. 173, 180-81, 69 P.3d 676, 681 (2003). Therefore, Ware was not entitled to relief based upon this good-cause claim.

¹Ware did not pursue a direct appeal.

Accordingly, we conclude that the district court did not err by denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Bitu Yeager, District Judge
Erin Deshaun Ware
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk