

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LANAYAH KATHLEEN HAPPY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86541-COA

FILED

DEC 26 2023

ELIZABETH A. TROTT  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE


Lanayah Kathleen Happy appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 27, 2023. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Happy filed her petition more than two years after issuance of the remittitur on direct appeal on August 11, 2020. *See Happy v. State*, No. 78914, 2020 WL 4035452 (Nev. Jul. 16, 2020) (Order of Affirmance). Thus, Happy's petition was untimely filed. *See* NRS 34.726(1). Happy's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.*


In her petition, Happy claimed she had good cause because she “was ill advised as to my next steps by my appointed attorney.” Happy failed to support this claim with specific factual allegations that were not belied by the record and, if true, would entitle her to relief. Thus, we conclude the district court did not err by denying Happy's petition as procedurally barred. *See Berry v. State*, 131 Nev. 957, 967, 363 P.3d 1148, 1154-55 (2015).

On appeal, Happy argues that she has good cause to overcome the procedural bar because she tried to get ahold of counsel but was unable to. She also claims counsel told her that a habeas petition was going to be filed, but it was never filed. Because these claims were not raised below, we decline to consider them for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Egan K. Walker, District Judge  
Lanayah Kathleen Happy  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk