

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEXANDER STEVEN KING,  
Appellant,  
vs.  
DWIGHT NEVEN, WARDEN,  
Respondent.

No. 83107-COA

**FILED**

**MAR 30 2022**

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

*ORDER OF AFFIRMANCE*

Alexander Steven King appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on August 18, 2020. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.

King's petition was filed more than five years after issuance of the remittitur on direct appeal on April 16, 2015. *See King v. State*, No. 65462-COA, 2015 WL 1359504 (Nev. Ct. App. Mar. 17, 2015) (Order of Affirmance). Thus, King's petition was untimely filed. *See* NRS 34.726(1). Moreover, King's petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>1</sup> *See* NRS 34.810(2). King's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3). Further, because the State specifically pleaded laches, King was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2).

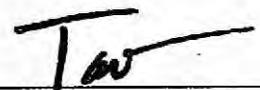
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<sup>1</sup>*See King v. State*, No. 72398-COA, 2018 WL 1053333 (Nev. Ct. App. Feb. 14, 2018) (Order of Affirmance).

On appeal, King claims official interference and new case law constitute good cause. Because these good-cause claims were not raised in his petition below, we decline to consider them for the first time on appeal. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999); see also NRS 34.735 (requiring a petitioner to plead good cause on the face of the petition). Moreover, King makes no argument regarding laches. Therefore, we conclude King 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: Hon. John Schlegelmilch, District Judge  
Karla K. Butko  
Attorney General/Carson City  
Lyon County District Attorney  
Third District Court Clerk