

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PETER RYAN HOLLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

✓ No. 69356

PETER RYAN HOLLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69357

FILED

AUG 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Nowak*
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed in district court cases 09C257705 and 09C257911.¹ Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Appellant Peter Holland claimed he is entitled to presentence credit for time spent in the county jail. A defendant seeking presentence credit by way of a postconviction petition for a writ of habeas corpus must comply with the procedural requirements set forth in NRS chapter 34. *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006).

¹These appeals are submitted for decision without oral argument and we conclude the records are sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

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Holland's July 30, 2015, petition was untimely because it was filed more than five years after entry of the judgments of conviction on May 10, 2010.² See NRS 34.726(1). Holland's petition was also successive because he previously filed postconviction petitions for writs of habeas corpus, and these petitions were denied on the merits.³ See NRS 34.810(2). Consequently, Holland's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(1).

In an attempt to overcome the procedural bars, Holland claimed a request for presentence credit was previously made in a regular motion and now must be made in a habeas petition. Holland suggests this requirement is the result of a new law. We conclude Holland has not demonstrated good cause because defendants have been required to pursue claims for presentence credit in direct appeals or postconviction habeas petitions long before Holland was convicted in the instant cases. See *Griffin*, 122 Nev. at 744, 137 P.3d at 1169. Accordingly, the district court did not err by denying Holland's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Silver

²Holland did not pursue direct appeals.

³See *Holland v. State*, Docket Nos. 60326 and 60327 (Order of Affirmance, January 16, 2013).

cc: Hon. Eric Johnson, District Judge
Peter Ryan Holland
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk