

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TYRONE SEARS,  
Appellant,  
vs.  
ISIDRO BACA,  
Respondent.

No. 68320

**FILED**

NOV 19 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *M. L. Col*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing postconviction petitions for a writ of habeas corpus.<sup>1</sup> Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Appellant Tyrone Sears filed his petitions on January 2, 2015, and May 4, 2015, approximately four years after entry of the judgment of conviction on April 14, 2011. Thus, his petitions were untimely filed.<sup>2</sup> See NRS 34.726(1). Sears' petitions were procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See NRS 34.726(1).

Sears asserted he did not find out that his pre-sentence credit was improperly computed until after he was transported from California to Nevada. However, the discrepancy between the presentence credit awarded in the judgment of conviction and the amount of presentence credit identified by the prosecutor in the "Prosecutor's Report on

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


<sup>2</sup>No direct appeal was taken.

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Disposition of Charges” sent to California has been apparent since April 2011. Therefore, Sears failed to demonstrate “that an impediment external to the defense prevented him . . . from complying with the state procedural default rules.” *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003). Accordingly, we conclude the district court did not err by dismissing the petitions as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Patrick Flanagan, District Judge  
Tyrone Sears  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>3</sup>We also conclude the district court did not abuse its discretion by denying Sears’ motion to withdraw petition for writ of habeas corpus, motion for jail time credit, and motion to appoint counsel. Further, we have reviewed all documents Sears has submitted in this matter, and we conclude no relief based upon those submissions is warranted.