

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY LEROY WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY,
Respondent.

No. 75984-COA ✓

TIMOTHY LEROY WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY,
Respondent.

No. 75985-COA

FILED

NOV 06 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Timothy Leroy Williams appeals from district court orders denying two identical postconviction petitions for a writ of habeas corpus, both filed on January 2, 2018. We elect to consolidate these appeals.¹ See NRAP 3(b)(2). Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Williams filed his petition in Docket No. 75984 nearly 17 years after entry of the judgment of conviction on March 22, 2001, and his petition in Docket No. 75985 nearly 12 years after entry of the judgment of conviction on February 21, 2006. Williams did not pursue direct appeals.

¹These appeals have been submitted for decision without oral argument. NRAP 34(f)(3).


His petitions were therefore untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See NRS 34.726(1). Williams did not allege he had good cause for the untimely petitions.


Moreover, Williams could not have demonstrated undue prejudice. Williams admitted he expired his sentence in Docket No. 75984 in 2003 and his sentence in Docket No. 75985 in 2007. Williams' claims were therefore not cognizable in a postconviction petition for a writ of habeas corpus. See NRS 34.724(1) (limiting filings to petitioners who are "under sentence of death or imprisonment"); *Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999) (concluding district courts cannot grant postconviction relief to habeas petitioners who are no longer incarcerated pursuant to the judgment of conviction contested).

For the foregoing reasons, we conclude the district court did not err by denying Williams' petitions, and we

ORDER the judgments of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kathleen M. Drakulich, District Judge
Timothy Leroy Williams
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk