

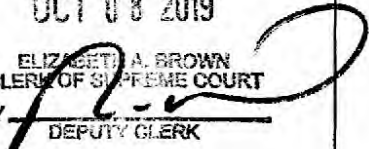
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD KEITH TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77895-COA

FILED

OCT 08 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Gerald Keith Taylor appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Taylor filed his petition on September 4, 2018, more than five years after entry of the judgment of conviction on August 7, 2014. Thus, Taylor's petition was untimely filed. See NRS 34.726(1). Moreover, Taylor's petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.¹ See NRS 34.810(2). Taylor's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).


In his petition, Taylor appeared to assert the procedural bars did not apply to his petition. However, "[a]pplication of the statutory procedural default rules to postconviction habeas petitions is mandatory," *State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005), and Taylor's claims were reasonably available to be

¹*Taylor v. State*, Docket No. 71591 (Order of Affirmance, August 16, 2017).

raised in a timely-filed petition, *see Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). Therefore, the district court did not err by denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Villani, District Judge
Gerald Keith Taylor
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk