

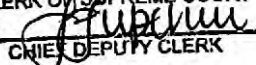
IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID JOSEPH TIFFANY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78955

**FILED**

JUN 24 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

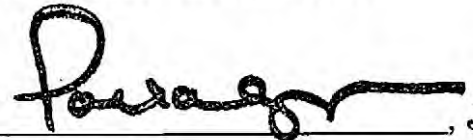
This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Appellant filed his petition on September 26, 2017, almost seven years after issuance of the remittitur on direct appeal on October 18, 2010. *Tiffany v. State*, Docket No. 49817 (Order of Affirmance, April 13, 2010). Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Moreover, appellant's petition was successive, *see* NRS 34.810(1)(b)(2), (2), because he had previously litigated two postconviction petitions for a writ of habeas corpus. *Tiffany v. State*, Docket No. 63436 (Order of Affirmance, September 18, 2013); *Tiffany v. State*, Docket No. 61014 (Order of Affirmance, September 18, 2013). Appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(1)(b); NRS 34.810(3). Moreover, because the State specifically pleaded laches, appellant had to overcome the rebuttable presumption of prejudice. NRS 34.800(2). The district court denied the petition as procedurally barred and barred by laches.

In the briefing before this court, appellant does not present any argument that he demonstrated good cause or that he could overcome the

presumption of prejudice to the State. *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”). Filing a petition to exhaust state grounds for purposes of pursuing federal relief does not provide good cause because the claims were available during the first postconviction proceedings. See *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003); *Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989), *superceded by statute on other grounds as stated in State v. Huebler*, 128 Nev. 192, 197 n.2, 275 P.3d 91, 95 n.2 (2012). Thus, appellant has not demonstrated the district court erred in denying his petition as procedurally barred and barred by laches. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

Parraguirre

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

Hardesty

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

Cadish

cc: Hon. Cristina D. Silva, District Judge  
Law Office of Christopher R. Oram  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk