

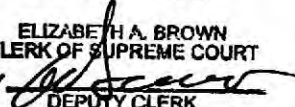
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERICK MARQUIS BROWN,
Appellant,
vs.
JERRY HOWELL, WARDEN;
OFFENDER MANAGEMENT
DIVISION; AND THE STATE OF
NEVADA,
Respondents.

No. 81226-COA

FILED

DEC 21 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Erick Marquis Brown appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 3, 2020. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

In his petition, Brown raised several claims regarding the application of credits toward his minimum sentence. Brown previously raised the exact same claims in a petition filed on October 7, 2019. *See Brown v. Warden*, Docket No. 80592-COA (Order of Affirmance, December 11, 2020). Because Brown's previous petition was denied on the merits, Brown's February 3, 2020, petition was successive and procedurally barred absent a demonstration of good cause and actual prejudice. *See NRS 34.810(2), (3)*. Brown failed to allege any good cause for raising his claims

again. Therefore, we conclude Brown's petition was procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Erick Marquis Brown
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

¹The district court erred by denying the petition on the merits. *See State v. Eighth Judicial Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (holding the application of procedural bars is mandatory). Nevertheless, because the district court reached the correct result, we affirm. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).