

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LERROY COLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82488-COA

FILED

SEP 28 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. A. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Leroy Collins appeals from an order of the district court denying a postconviction petition for writ of habeas corpus filed on November 20, 2020. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Collins filed his petition over 30 years after issuance of the remittitur on direct appeal on October 3, 1990, *see Collins v. State*, Docket No. 19960 (Order Dismissing Appeal, September 14, 1990), and more than 22 years after entry of the amended judgment of conviction filed on March 27, 1998.¹ Thus, Collins' petition was untimely filed. *See* NRS 34.726(1). Moreover, Collins' claim could have been raised on direct appeal, *see* NRS 34.810(1)(b)(2), and it constituted an abuse of the writ as his claim was new and different from those raised in his previous petition,² *see* NRS 34.810(2). Collins' petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(1)(b); NRS


¹Collins did not appeal from the amended judgment of conviction.

²*See Collins v. State*, Docket No. 26643 (Order of Remand, March 10, 1998) (affirming dismissal of procedurally time-barred petition and remanding to correct clerical error).

34.810(3). Collins did not allege good cause. Therefore, we conclude the district court did not err by denying Collins' petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Cristina D. Silva, District Judge
Leroy Collins
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk