

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VINCENT CLINTON AUSTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83026-COA

FILED

DEC 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER OF AFFIRMANCE

Vincent Clinton Austin appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

In his October 1, 2019, petition, Austin claimed that the State failed to present sufficient evidence at the preliminary hearing to support a probable cause finding. Austin could have raised this claim in the trial court or in his direct appeal, and he did not allege good cause for his failure to do so. See NRS 34.810(1)(b). Therefore, we conclude the district court did not err in denying Austin's petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Carli Lynn Kierny, District Judge
Vincent Clinton Austin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk