

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PETER PIRTLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89511-COA

FILED

SEP 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Melissa J. Allen*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Peter Pirtle appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on June 21, 2024. Eighth Judicial District Court, Clark County: Christy L. Craig, Judge.

Pirtle filed his petition more than 14 years after issuance of the remittitur on direct appeal on January 5, 2010. *See Pirtle v. State*, Docket No. 51835 (Order of Affirmance, December 11, 2009). Thus, Pirtle's petition was untimely filed. *See* NRS 34.726(1). Pirtle's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See id.* Further, because the State specifically pleaded laches, Pirtle was required to overcome the rebuttable presumption of prejudice to the State. *See* NRS 34.800(2).

In his petition, Pirtle claimed he had good cause because he could not file his petition until he became aware of this court's decision in *Vasquez v. State*, No. 79409-COA, 2020 WL 4696206 (Nev. Ct. App. Aug. 12, 2020) (Order Vacating Judgment and Remanding), on May 29, 2024. However, the *Vasquez* decision was an unpublished disposition and it accordingly "does not establish mandatory precedent except in a subsequent stage of a case in which the unpublished disposition was entered, in a


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related case, or in any case for purposes of issue or claim preclusion or to establish law of the case.” NRAP 36(c)(2). Additionally, since the *Vasquez* decision predates August 15, 2024, it may not be cited pursuant to NRAP 36(c)(3) (stating that “[a] party may cite for its persuasive value, if any, an unpublished disposition issued . . . by the Court of Appeals on or after August 15, 2024.”).

Moreover, even assuming this decision could provide good cause to excuse the procedural bars, Pirtle’s petition was not filed within a reasonable time of the decision, *see Rippo v. State*, 134 Nev. 411, 422, 423 P.3d 1084, 1097 (2018) (holding a claim is raised within a reasonable time when the petition is filed within one year after the factual or legal basis for the claim becomes available), and he failed to demonstrate an impediment external to the defense explained his delay, *see Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (recognizing a good-cause claim itself must not be procedurally defaulted). Therefore, Pirtle did not demonstrate good cause based on this authority. Further, Pirtle failed to overcome the presumption of prejudice to the State. *See* NRS 34.800(2). Thus, we conclude the district court did not err in denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Christy L. Craig, District Judge
Peter Justin Pirtle
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk