

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL JOSEPH QUATTRINI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59351

FILED

MAR 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying post-conviction petitions for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant filed identical petitions on June 14, 2010, and July 9, 2010, more than six years after issuance of the remittitur on direct appeal on March 16, 2004. Quattrini v. State, Docket No. 40083 (Order Affirming in Part, Reversing in Part, and Remanding, February 18, 2004). Thus, appellant's petitions were untimely filed.² See NRS 34.726(1).

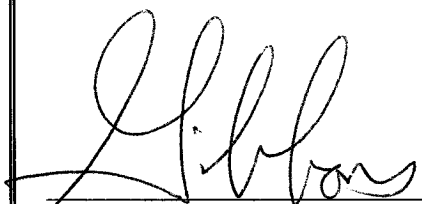
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

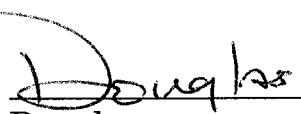
²Appellant labeled his petitions, "writ of habeas corpus ad subjiciendum this writ shall not be construed as a 'post conviction' writ." Because appellant challenged the validity of his conviction and sentence, we conclude that the district court properly construed appellant's petitions as post-conviction petitions for a writ of habeas corpus. See NRS 34.724(2)(b).

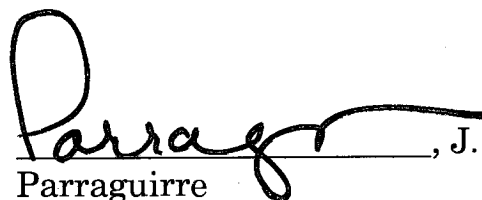
Moreover, appellant's petitions were successive because he had previously litigated a post-conviction petition for a writ of habeas corpus, and they constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition. See NRS 34.810(1)(b)(2); NRS 34.810(2). Appellant's petitions were 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 was required to overcome the rebuttable presumption of prejudice. NRS 34.800(2).

Appellant did not attempt to demonstrate good cause for the delay. To the extent that appellant argued he raised a claim involving jurisdiction, which he alleged could be raised at any time, appellant's claims did not implicate the jurisdiction of the courts. Nev. Const. art. 6, § 6; NRS 171.010. Appellant did not overcome the presumption of prejudice. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Parraguirre

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. David B. Barker, District Judge
Daniel Joseph Quattrini
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk