

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDERICK VONSEYDEWITZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76900-COA

FILED

JUN 13 2019

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

ORDER OF AFFIRMANCE

Frederick Vonseydewitz appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Vonseydewitz filed his petition on May 9, 2018, almost eight years after entry of the judgment of conviction on June 16, 2010.² Thus, Vonseydewitz' petition was untimely filed. *See* NRS 34.726(1). Moreover, Vonseydewitz' petition was successive because he had previously filed several postconviction petitions for a writ of habeas corpus.³ *See* NRS 34.810(2). Vonseydewitz' petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3).

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²Vonseydewitz did not pursue a direct appeal.


³*Vonseydewitz v. State*, Docket No. 69513-COA (Order of Affirmance, June 22, 2016); *Vonseydewitz v. State*, Docket No. 67735-COA (Order of Affirmance, August 4, 2015); *Vonseydewitz v. State*, Docket No. 60213 (Order of Affirmance, November 14, 2012).

Vonseydewitz claimed he had good cause to overcome the procedural bars because he discovered the Nevada Department of Corrections failed to properly apply his statutory credits and that failure resulted in a breach of the contract he entered into when he accepted the plea agreement. Vonseydewitz raised this good-cause claim in a prior petition and this court concluded he failed to overcome the procedural bars. *Vonseydewitz v. State*, Docket No. 69513-COA (Order of Affirmance, June 22, 2016). The doctrine of the law of the case prevents further consideration of this claim and “cannot be avoided by a more detailed and precisely focused argument.” *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). While Vonseydewitz claimed that this court erred in its disposition of this issue, he failed to demonstrate that the law of the case should not be applied. *See Tien Fu Hsu v. Cty. of Clark*, 123 Nev. 625, 632, 173 P.3d 724, 729-30 (2007) (identifying exceptions to the law of the case doctrine). Therefore, the district court properly denied the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Frederick Vonseydewitz
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk