

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER LAWRENCE
DEYERLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78729-COA

FILED

MAY 22 2020

E. IZABELLA BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Lawrence Deyerle appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on December 31, 2014. Third Judicial District Court, Lyon County; Steven R. Kosach, Senior Judge.


Deyerle filed his petition more than 13 years after issuance of the remittitur on direct appeal on March 3, 2009. *See Deyerle v. State*, Docket No. 50617 (Order of Affirmance, February 4, 2009). Deyerle's petition was therefore untimely filed. *See* NRS 34.726(1). It was also successive because he re-raised claims raised in his prior petition.¹ *See* NRS 34.810(2). Deyerle's petition was therefore procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1); NRS 34.810(3).


Deyerle seeks reconsideration of existing case law and a holding that the ineffective assistance of counsel in a first, timely postconviction habeas petition constitutes cause to overcome procedural bars. The Nevada

¹*See Deyerle v. State*, Docket No. 57147 (Order of Affirmance, February 8, 2012).

Supreme Court has “consistently held that the ineffective assistance of post-conviction counsel in a noncapital case may not constitute ‘good cause’ to excuse procedural defaults.” *Brown v. McDaniel*, 130 Nev. 565, 569, 331 P.3d 867, 870 (2014). This court cannot overrule Nevada Supreme Court precedent. See *People v. Solorzano*, 63 Cal. Rptr. 3d 659, 664 (2007), as modified (Aug. 15, 2007) (“The Court of Appeal must follow, and has no authority to overrule, the decisions of the California Supreme Court.” (quotation marks and internal punctuation omitted)). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Leon Aberasturi, District Judge
Hon. Steven R. Kosach, Senior Judge
Scott W. Edwards
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk