

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY DAVID VOLOSIN,
Appellant,
vs.
PERRY RUSSELL, WARDEN; AND
THE STATE OF NEVADA,
Respondents.

No. 85321-COA

FILED

NOV 22 2023

ELIZABETH A. BROWN
CLERK OF SUPERIOR COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jeffrey David Volosin appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on April 22, 2021, and a supplemental petition filed on September 13, 2021.¹ Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Volosin argues the district court erred by denying his petition. The district court denied Volosin's petition because (1) the petition was procedurally barred and Volosin failed to demonstrate good cause to excuse the procedural bars; and (2) alternatively, Volosin's claims of ineffective assistance of counsel lacked merit. "[W]hen a district court provides independent alternative grounds in support of a decision later challenged on appeal, the appellant generally must successfully challenge all of those grounds in its appellate briefing to obtain a reversal." *Hung v. Berhad*, 138 Nev., Adv. Op. 50, 513 P.3d 1285, 1287 (Ct. App. 2022). Moreover, if an

¹We note that the notice of appeal indicates Volosin also appeals from the district court's order denying his "motion for amendment of findings" filed on April 6, 2022; however, Volosin presents no argument on appeal regarding the district court's order denying this motion. Therefore, we do not address it any further.

appellant “fail[s] to challenge the alternative grounds in their opening brief, even if they later do so in the reply brief, the failure to raise those issues in the opening brief results in waiver.” *Id.*

Volosin’s opening brief on appeal does not challenge the district court’s determination that his petition is procedurally barred. Thus, Volosin has waived any such challenge. And because Volosin has waived any challenge to one of the independent alternative grounds for the district court’s decision, we need not review the remaining alternative grounds—here, the merits of Volosin’s claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Leon Aberasturi, District Judge
Oldenburg Law Office
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk