

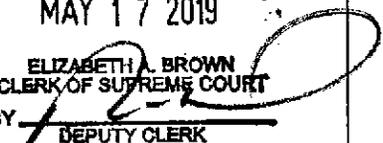
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77505-COA

**FILED**

MAY 17 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Steven Floyd Voss appeals from an order of the district court denying a petition for a writ of coram nobis.<sup>1</sup> Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Voss argues the district court erred by denying his May 10, 2018, petition and supplements. In his petition, Voss claimed the district court concluded that he should receive a new sentencing hearing in 2001, but the district court improperly failed to actually conduct the new sentencing hearing. Voss contended he has since expired his prison terms and the district court did not have jurisdiction to conduct a new sentencing hearing. For those reasons, Voss claimed his judgment of conviction should be vacated. In addition, Voss raised claims of trial error.

The Nevada Supreme Court has explained that in Nevada state courts, “the writ of coram nobis may be used to address errors of fact outside the record that affect the validity and regularity of the decision itself and would have precluded the judgment from being rendered.” *Trujillo v. State*,

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

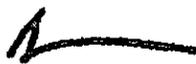
129 Nev. 706, 717, 310 P.3d 594, 601 (2013). The scope of a petition for a writ of coram nobis is “limited to errors involving facts that were not known to the court, were not withheld by the defendant, and would have prevented entry of the judgment.” *Id.* “A writ of *coram nobis* is not, however, the forum to relitigate the guilt or innocence of the petitioner.” *Id.* In addition, “any error that was reasonably available to be raised while the petitioner was in custody is waived, and it is the petitioner’s burden on the face of his petition to demonstrate that he could not have reasonably raised his claims during the time he was in custody.” *Id.* at 717-18, 310 P.3d at 601-02.

Voss’ claims did not involve errors of fact outside the record, and are accordingly not within the scope of a petition for a writ of coram nobis. Moreover, Voss did not demonstrate that he could not have raised claims concerning any failure of the district court to act upon its 2001 order while he was in custody for this matter. Therefore, the district court properly denied the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

<sup>2</sup>The district court denied Voss’ petition because it found his claims were moot. However, as explained previously, the district court should have concluded that Voss’ claims were not within the scope of a petition for a writ of coram nobis. Nevertheless, we affirm because the district court properly denied the petition. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

cc: Hon. Kathleen M. Drakulich, District Judge  
Steven Floyd Voss  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk