

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES HOWARD HAYES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80222-COA

FILED

AUG 31 2020

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

ORDER OF AFFIRMANCE

James Howard Hayes, Jr., appeals from an order of the district court denying a “motion in the nature of a writ of coram nobis” filed on September 9, 2019. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior Judge.

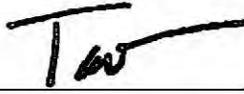
To seek relief pursuant to a writ of coram nobis, the petitioner or movant must not have another legal remedy available with which to challenge his conviction. *Trujillo v. State*, 129 Nev. 706, 716, 310 P.3d 594, 601 (2013). Because Hayes was under a sentence of imprisonment for the conviction he is attempting to challenge at the time he filed his motion, he had a legal remedy he could have used to challenge his conviction.¹ See NRS 34.724(1) (“Any person convicted of a crime and under sentence of death or imprisonment . . . may . . . file a postconviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence.”); see also *Trujillo*, 129 Nev. at 716, 310 P.3d at 601. Because Hayes improperly sought relief

¹We express no opinion as to whether Hayes could meet the procedural requirements for filing a postconviction petition. See NRS chapter 34.

through a writ of coram nobis, we conclude the district court did not err by denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Hon. Joseph T. Bonaventure, Senior Judge
James Howard Hayes, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk