

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID AUGUST KILLE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65073

**FILED**

JUN 12 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from an order of the district court denying a petition for a writ of *coram nobis*.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant filed a petition for a writ of *coram nobis* on December 6, 2013, challenging the validity of his judgment of conviction and sentence. In his petition, appellant claimed that his conviction violated the Double Jeopardy Clause, he suffered from ineffective assistance of counsel, there was insufficient evidence to support his conviction, and he was improperly charged through the use of a criminal complaint. A petition for a writ of *coram nobis* was not an available remedy because appellant was in custody on the conviction challenged in his petition. *See Trujillo v. State*, 129 Nev. \_\_\_, \_\_\_, 310 P.3d 594, 601 (2013). In addition, appellant's claims were not properly raised in a

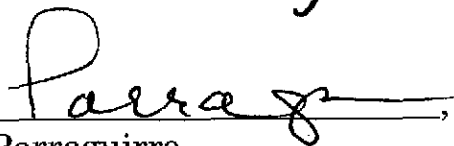
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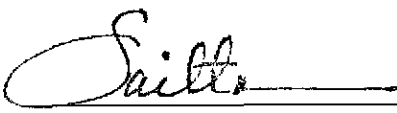
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

petition for a writ of *coram nobis* because they were claims arising from alleged factual errors that are on the record, the claims could have been raised earlier, or they involved legal and not factual errors. *See id.* at \_\_\_, 310 P.3d at 601-02. Therefore, the district court did not err in denying the petition. Accordingly, we

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

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Douglas W. Herndon, District Judge  
David August Kille  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.