

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAMARR ROWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72119

FILED

DEC 14 2017

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Lamarr Rowell appeals from a district court order denying the petition for a writ of coram nobis he filed on November 23, 2016.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Rowell claimed he was entitled to a writ of coram nobis because the district court was without jurisdiction to enter the judgment of conviction. To this end, he argued the district court, defense counsel, and he were not notified


by the State at the time of the plea hearing that NRS 174.035(3) limits the court's jurisdiction to preserve the right of appeal and, had the State done so, the court never would have accepted the guilty plea and never would have entered a judgment of conviction without first informing [him] of the loss of the right to appeal and providing [him] an opportunity to comply with the provisions of NRS 174.035(3).


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


The writ of coram nobis is limited in scope “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.” *Trujillo v. State*, 129 Nev. 706, 717, 310 P.3d 594, 601 (2013). It does not include legal errors or “any error that was reasonably available to be raised while the petitioner was in custody.” *Id.* at 717-18, 310 P.3d at 601-02.

We conclude Rowell’s claim falls outside the limited scope of a writ of coram nobis because it describes a legal error, *see* NRS 174.035(3), and it was reasonably available to be raised while he was in custody, *see Rowell v. State*, Docket No. 50777 (Order of Affirmance, April 13, 2009) (concluding the denial of Rowell’s suppression motion was not preserved for appeal because he “did not obtain the State’s consent nor did he reserve in writing the right to appeal the adverse determination”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Lamarr Rowell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk