

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BLAKE LAWRENCE ANDERSON,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,  
Respondent,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 76907-COA

**FILED**

JAN 31 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*


This original petition for a writ of error coram nobis seeks an order directing the district court to set aside Blake Lawrence Anderson's judgment of conviction and dismiss his case with prejudice. Anderson asserts the district court lacked jurisdiction when it proceeded with his trial because he had an appeal pending in the Nevada Supreme Court at that time.

We have considered the petition and all documents filed in this matter, and we conclude this court's intervention by way of extraordinary writ is not warranted for two reasons. First, Anderson's basis for seeking relief is not cognizable on coram nobis review, as he is not challenging a judgment of conviction, pursuant to which he is no longer in custody. See *Trujillo v. State*, 129 Nev. 706, 716-19, 310 P.3d 594, 601-02 (2013) (recognizing that coram nobis is a discretionary writ and observing that its application is restricted to persons who are no longer in custody but seek to

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challenge a judgment of conviction in order to address a limited scope of factual errors, when those errors were material to the validity and regularity of the decision and would have precluded the judgment of conviction's entry had they been known). Second, Anderson's claim lacks merit. The Nevada Supreme Court dismissed Anderson's appeal for lack of jurisdiction. *See Anderson v. State*, Docket No. 75249 (Order Dismissing Appeal, March 28, 2018). Because the Nevada Supreme Court never obtained jurisdiction over Anderson's appeal, the district court was never divested of jurisdiction over Anderson's case and it was permitted to proceed with the trial. *See e.g., Chapman Industries v. United Insurance Company of America*, 110 Nev. 454, 457-58, 874 P.2d 739, 741 (1994) (where notice of appeal was of no effect, the district court retained jurisdiction to consider post-judgment motions). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, A.C.J.  
Douglas

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

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

cc: Blake Lawrence Anderson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk