

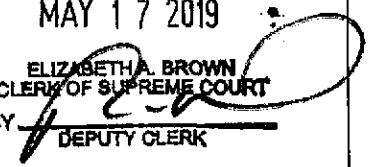
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

OMAR W. QAZI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75524-COA

FILED

MAY 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Omar W. Qazi appeals from an order of the district court denying a petition for a writ of coram nobis.¹ Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

Qazi argues the district court erred by denying his March 3, 2017, petition. In his petition, Qazi claimed he learned during the litigation of a prior postconviction petition that the State failed to disclose photographs depicting the victim's lack of injuries. Qazi also claimed his counsel was ineffective for failing to request discovery from the State, his guilty plea was not knowingly and voluntarily entered, and he was actually innocent.

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*, 129 Nev. 706, 717, 310 P.3d 594, 601 (2013). The scope of a petition for a

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

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.


Qazi’s claims involved legal errors, not errors of fact outside the record, and were accordingly not within the scope of a petition for a writ of coram nobis. Moreover, Qazi failed to demonstrate he could not have raised his claims while he was in custody for this matter. Therefore, the district court properly denied the petition.²

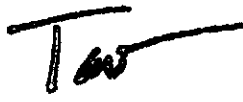
Next, Qazi argues the district court erred by denying the petition without conducting an evidentiary hearing and permitting discovery. To warrant an evidentiary hearing, a petitioner must raise claims that are supported by specific allegations not belied by the record, that if true, would entitle him to relief. *See generally Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). The district court concluded

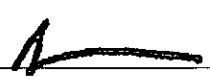
²Qazi also argues the district court should have construed his petition as a postconviction motion to withdraw guilty plea or postconviction petition for a writ of habeas corpus. However, Qazi is no longer in custody for this matter and “a district court may not issue a writ of habeas corpus if the post-conviction petitioner filed the petition challenging the validity of a conviction after having completed the sentence for the challenged conviction.” *See Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999). Therefore, the district court properly did not construe Qazi’s petition as a postconviction motion to withdraw guilty plea or postconviction petition for a writ of habeas corpus.

Qazi's claims did not meet that standard and the record before this court reveals the district court's conclusions in this regard were proper. In addition, Qazi did not demonstrate he was entitled to conduct discovery. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Kenneth C. Cory, District Judge
Omar W. Qazi
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk