

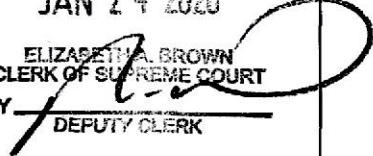
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAMON GOMEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77765-COA

**FILED**

JAN 24 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Ramon Gomez appeals from an order of the district court denying a petition for a writ of coram nobis filed on August 14, 2018. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.


Gomez contends the district court erred by denying his petition on the ground that his claim was precluded by the decision in *Trujillo v. State*, 129 Nev. 706, 310 P.3d 594 (2013). We review the district court's decision for an abuse of discretion. *Id.* at 718, 310 P.3d at 602. "[T]he 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." *Id.* at 717, 310 P.3d at 601. The writ 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.* Finally, "[a] claim of ineffective assistance of counsel involves legal error," *id.* at 719, 310 P.3d at 602, and, therefore, falls outside the limited scope of a petition for a writ of coram nobis.

Gomez argued he was entitled to relief because he received ineffective assistance of counsel. Recognizing the limits of a writ of coram nobis, Gomez emphasized that counsel's *factual* misrepresentation led to

counsel's ineffective assistance in advising Gomez to plead guilty. Alternatively, he asks this court to reconsider *Trujillo*. Gomez' attempt to focus on the factual component of his claim was of no avail. The court in *Trujillo* acknowledged that ineffective-assistance claims "undeniably" have "a factual underpinning," yet maintained that whether counsel was ineffective was a legal question and, thus, outside the scope of a petition for a writ of coram nobis. *Id.* at 719, 310 P.3d at 602. Further, this court cannot overrule Nevada Supreme Court precedent. Because Gomez' petition was based on a claim of ineffective assistance of counsel, we conclude the district court did not err by denying his petition on the ground that it was outside the scope of claims permitted in a petition for a writ of coram nobis. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Ronald J. Israel, District Judge  
Wooldridge Law  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

<sup>1</sup>In light of our conclusion, Gomez' argument as to whether the district court erred by also barring Gomez' petition under the doctrine of laches is moot.