

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY DEAN BARREN, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85153-COA

FILED

NOV 23 2022

ELIZABETH A. [Signature]
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

Gregory Dean Barren, Sr., appeals from an order of the district court denying a petition for writ of error coram nobis filed on March 24, 2022. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

Barren argues the district court erred by denying his petition for writ of error coram nobis. In his petition, he claimed he was entitled to relief because he was improperly certified as an adult based on charges that were later dismissed, he was never certified as an adult on the charge he pleaded guilty to, and the victim's testimony at the preliminary hearing was not credible. 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 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.*

Barren's claims regarding his certification as an adult were legal claims, not factual claims. Further, the claims were known and part of the record at the time he was convicted. His claim regarding the victim's credibility was also known at the time of the preliminary hearing, and any claim regarding the victim's credibility would necessarily be an attempt to relitigate Barren's guilt or innocence. Therefore, Barren's claims were outside the scope of a petition for a writ of error coram nobis, and we conclude the district court did not err by denying the petition.

Barren also claims that the district court erred by adopting the State's proposed order and that the order contains the incorrect name for the victim in this case. Barren does not demonstrate that the adoption of the proposed order adversely affected the outcome of the proceedings or his ability to seek full appellate review. As previously discussed, the district court properly denied Barren's petition, and therefore, any error by the district court in adopting the proposed order was harmless. *See* NRS 178.598 ("Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded."). Accordingly, we conclude Barren is not entitled to relief based upon this claim, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Crystal Eller, District Judge
Gregory Dean Barren, Sr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk