

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHIRRON JOZETTE GAYLES-
ZANDERS, A/K/A SHIRRON JOZETTE
GAYLESZANDERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84583-COA

FILED

AUG 24 2023

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

ORDER OF AFFIRMANCE

Shirron Jozette Gayles-Zanders appeals from a judgment of conviction, entered pursuant to a jury verdict, of first-degree murder with use of a deadly weapon. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Gayles-Zanders argues that her trial counsel was ineffective. A claim of error related to an attorney's alleged ineffectiveness must generally be raised in a postconviction habeas petition. *See Gibbons v. State*, 97 Nev. 520, 523, 634 P.2d 1214, 1216 (1981) (holding that a claim for ineffective assistance of counsel is properly challenged in postconviction relief because factual issues are best determined in the district court). "[W]e have generally declined to address claims of ineffective assistance of counsel on direct appeal unless there has already been an evidentiary hearing or where an evidentiary hearing would be unnecessary." *Pellegrini v. State*, 117 Nev. 860, 883, 34 P.3d 519, 534 (2001), *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423 n.12, 423 P.3d 1084, 1097 n.12 (2018).

Here, Gayles-Zanders alleges her counsel failed to request a jury instruction on temporary insanity or to retain and call experts on

temporary insanity due to battered woman syndrome. Because no evidentiary hearing was held and there are unresolved factual issues, we decline to address on direct appeal Gayles-Zanders' claims of ineffective assistance of counsel.

Gayles-Zanders also argues that the district court erred by denying her reasonable bail. Gayles-Zanders alleges that her presentence detention prevented her from working, this in turn prevented her from earning money to retain experts, and she will suffer future prejudice because she remains in prison pending appeal. Because Gayles-Zanders' claim relates to presentence detention to which she is no longer subjected, there is no longer a live controversy, and we conclude this claim is moot. *See Valdez-Jimenez v. State*, 136 Nev. 155, 158, 460 P.3d 976, 982 (2020) (providing that "issues concerning bail and pretrial detention become moot once the case is resolved by dismissal, guilty plea, or trial"). Therefore, we decline to consider this claim on appeal. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge
Sandra L. Stewart
Law Office of Telia U. Williams
Law Office of Timothy R. Treffinger
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk