

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESSE HUERTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87821-COA

FILED

OCT 16 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jesse Huerta appeals from a district court order denying a petition to establish factual innocence filed on November 21, 2023. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

In his petition, Huerta claimed that he was factually innocent because the State could not prove the elements for attempted sexual assault, the crime to which he pleaded guilty. “[A] person who has been convicted of a felony may petition the district court . . . for a hearing to establish the factual innocence of the person based on newly discovered evidence.” NRS 34.960(1). The newly discovered evidence must be “specifically identified and, if credible, establish[] a bona fide issue of factual innocence.” NRS 34.960(2)(a); *see also* NRS 34.920(3) (stating “factual innocence” means a person did not “[c]ommit any other crime arising out of or reasonably connected to the facts supporting the indictment or information upon which he or she was convicted”); NRS 34.930 (defining newly discovered evidence).


In this case, Huerta failed to allege or demonstrate that he was factually innocent based on newly discovered evidence. Therefore, we

conclude the district court did not err by denying the petition.¹ Accordingly,
we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Monica Trujillo, District Judge
Jesse Huerta
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Huerta also argues that the district court erred in denying his petition without affording him sufficient time to respond to the State's opposition. However, because his petition failed to allege or demonstrate that he was factually innocent based on newly discovered evidence, the district court did not err by denying his petition without giving him additional time to respond to the State. See NRS 34.960(4).