


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAURICE TALLEY,  
Appellant,  
vs.  
WARDEN RUEBART; AND THE STATE  
OF NEVADA,  
Respondents.

No. 88739-COA

FILED

JAN 31 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

Maurice Talley appeals from a district court order denying a petition to establish factual innocence filed on January 10, 2024. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

In his petition, Talley alleged he was able to establish a bona fide issue of factual innocence based on newly discovered evidence. Talley specifically pleaded his petition pursuant to NRS 34.900-.990, inclusive, and alleged that his petition should be considered separately from any previously filed postconviction habeas petitions. *See* NRS 34.950.

In denying Talley's petition, the district court did not reference the review requirements mandated by NRS 34.900-.990, inclusive, nor did it "provide a written explanation of its order to dismiss or not to dismiss the petition based on the requirements set forth in" NRS 34.960(2) and (3). Instead, the district court referenced law regarding actual innocence as a means to overcome the procedural bars for a postconviction habeas petition as well as the previous determination that Talley had not shown actual innocence related to his previous postconviction habeas petition, federal law regarding freestanding claims of actual innocence, and the fact that Talley pleaded guilty. Because the district court did not address Talley's petition

for factual innocence but appeared to apply law applicable to a postconviction habeas petition, we conclude the district court erred. We reverse the district court's order and remand for the district court to review Talley's petition in the manner required by the NRS 34.900-.990, inclusive. *See Sanchez v. State*, 140 Nev., Adv. Op. 78, 561 P.3d 35, 38-39 (2024) (describing the pleading and review requirements for a petition to establish factual innocence). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Susan Johnson, District Judge  
Maurice Daniel Talley  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk