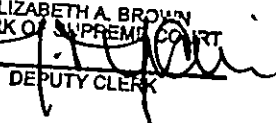


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VICKIE LEAVITT DURAN A/K/A
VICKIE LEAVITT SITTLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89125-COA

FILED
MAY 06 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Vickie Leavitt Duran appeals from a district court order denying a petition for a writ of coram nobis filed on June 4, 2024. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

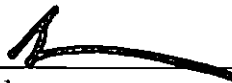
Duran argues the district court erred by denying her petition for a writ of coram nobis. In her petition, she claimed she discovered evidence in 2013 demonstrating that she was not the proximate cause of the accident, that she stopped as soon as possible after the accident, that she was not as intoxicated as presented at trial, and that there was a conspiracy between her defense counsel, postconviction counsel, and the State to convict her.


The Nevada Supreme Court has recognized the use of “the common-law writ of *coram nobis* for a person who is not in custody on the conviction being challenged.” *Trujillo v. State*, 129 Nev. 706, 716, 310 P.3d 594, 601 (2013). The writ “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. “A writ of *coram nobis* is not, however, the forum to relitigate the guilt or innocence of the petitioner.” *Id.* “[A]ny error that was reasonably


available to be raised while the petitioner was in custody is waived, and it is the petitioner's burden on the face of [the] petition to demonstrate that he [or she] could not have reasonably raised his [or her] claims during the time he [or she] was in custody." *Id.* at 717-18, 310 P.3d at 601-02.

Here, Duran admitted she knew of her claims and the facts supporting her claims in 2013, while she was still in custody. Therefore, her claims were available to be raised while she was in custody. This conclusion is further demonstrated by the fact she raised the same or similar arguments in a postconviction petition for a writ of habeas corpus filed in 2018. *See Duran v. State*, No. 78055-COA, 2020 WL 733973 (Nev. Ct. App. Feb. 11, 2020) (Order of Affirmance). Thus, because Duran's claims of error were available to be raised while she was in custody, we conclude Duran was not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Bulla, C.J.


Gibbons, J.


Westbrook, J.

cc: Hon. Crystal Eller, District Judge
Vickie Leavitt Duran
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk