

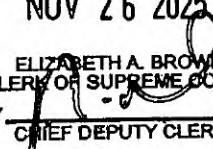
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KELVIN LANEIL JAMES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90397-COA

FILED

NOV 26 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Kelvin Laneil James appeals from a district court order denying a “motion to withdraw plea” filed on November 26, 2024.¹ Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

On December 13, 2024, the district court entered a minute order construing James’ postconviction motion to withdraw his guilty plea as a

¹The district court’s final written order addressing James’ motion mistakenly identified the motion at issue as James’ “motion to withdraw plea” filed on January 22, 2025. The district court’s December 13, 2024, minute order regarding James’ November 26, 2024, motion stated the district court would next address the motion at an in-chambers status check for February 24, 2025. And the district court’s decision at the in-chambers status check on February 24, 2025, is the subject of James’ notice of appeal. We note that a January 30, 2025, minute order entered by the district court regarding James’ January 22, 2025, motion to withdraw plea vacated the February 18, 2025, hearing on the motion and gave James 60 days to cure.

postconviction petition for a writ of habeas corpus and giving James 60 days to cure any defects pursuant to NRS Chapter 34.² *See Harris v. State*, 130 Nev. 435, 448-49, 329 P.3d 619, 628 (2014) (providing that where a defendant files a “post-sentence motion to withdraw a guilty plea, the district court should construe the motion to be a post-conviction petition for a writ of habeas corpus and require the defendant to cure any defects (filings not in compliance with the procedural requirements of NRS Chapter 34) within a reasonable time period selected by the district court”).³ The minute order likewise set an in-chambers status check for February 24, 2025, to confirm James’ compliance with the filing requirements of NRS Chapter 34. After conducting a status check on February 24, 2025, the district court determined James failed to cure his filing and denied it. The record supports the district court’s findings. Because James failed to respond to the district court’s order to cure his filing to comply with the procedural

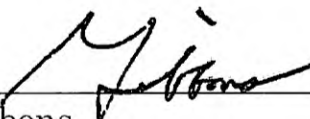
²The district court’s final written order states that it gave James 30 days to cure any defects, but the record demonstrates that the district court’s December 13, 2024, minute order gave James 60 days to cure any defects and that the district court did not consider whether James had cured any defects until more than 60 days had elapsed.

³We note that, since *Harris* was decided, the legislature amended NRS 34.724 to allow for the filing of a postconviction motion to withdraw a guilty plea if certain requirements are satisfied. *See* 2017 Nev. Stat., ch. 85, § 1, at 371. James’ pleading did not satisfy the requirements of such a motion, *see* NRS 34.724(3), and we therefore conclude the district court properly construed James’ motion as a postconviction habeas petition.

requirements of NRS Chapter 34, we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Carli Lynn Kierny, District Judge
Kelvin Laneil James
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk