

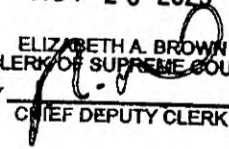
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90959-COA

FILED

NOV 26 2025

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

ORDER OF AFFIRMANCE

Steven Floyd Voss appeals from a district court order denying a motion to vacate judgment of conviction or, alternatively, petition for writ of coram nobis filed on April 16, 2025. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Voss contends the district court erred by denying his motion because the claims raised therein had merit. In his motion, Voss claimed the Nevada Legislature had not created a crime of “uttering a forged instrument” and, thus, the State violated the separation of powers doctrine by creating and/or charging him with such a crime, and the trial court lacked subject matter jurisdiction over such a crime.

The district court rejected these claims on the merits. In addition, the district court determined that Voss had filed his motion pursuant to NRS 176.515, but that the court was not permitted to vacate Voss’ judgment of conviction because he had been tried by a jury, *see* NRS 176.515(2), and that such a motion was untimely pursuant to NRS 176.515(4).

Voss does not challenge on appeal the district court's determination to deny his motion pursuant to NRS 176.515; thus, affirmance of the district court's order is warranted based on Voss' failure to challenge that decision. *See Hung v. Genting Berhad*, 138 Nev. 547, 550, 513 P.3d 1285, 1288 (Ct. App. 2022) (holding "the failure to properly challenge each of the district court's independent alternative grounds leaves them unchallenged and therefore intact, which results in [the forfeiture] of any assignment of error as to any of the independent alternative grounds"). Nonetheless, we conclude that Voss' motion was untimely because it was filed more than 28 years after the jury entered its verdict on October 10, 1996. *See* NRS 176.515(3)-(4) (stating a motion for a new trial must be made within two years after the verdict if based on newly discovered evidence or within seven days after the verdict if based on any other grounds); *see also Browning v. State*, 120 Nev. 347, 371, 91 P.3d 39, 56 (2004) (recognizing a defendant may seek relief by way of a postconviction petition for a writ of habeas corpus where an NRS 176.515 motion would be untimely).¹

Moreover, Voss' claims were outside the scope of claims permissible in a petition for a writ of coram nobis. *See Trujillo v. State*, 129 Nev. 706, 717, 310 P.3d 594, 601 (2013) (stating "the writ of *coram nobis* 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

¹We note that Voss' motion did not substantially comply with the statutory form for a postconviction petition for a writ of habeas corpus, *see* NRS 34.735, and we express no opinion as to whether Voss could meet the procedural requirements of NRS Chapter 34, *see* NRS 34.726; NRS 34.810.

judgment from being rendered” and that “legal errors fall entirely outside the scope of the writ”). Therefore, we conclude the district court did not err by determining that Voss was not entitled to relief, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge
Steven Floyd Voss
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk