

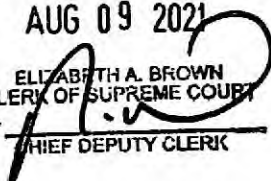
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICKEY TODD MAJOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82848-COA

FILED

AUG 09 2021

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

ORDER OF AFFIRMANCE

Rickey Todd Major appeals from a district court order dismissing a petition to establish factual innocence filed on June 23, 2020. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

In his petition below, Major claimed he was factually innocent because his conviction was obtained through the use of perjured trial testimony. “[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). “Newly discovered evidence’ means evidence that was not available to a petitioner at trial” NRS 34.930. Because Major’s petition failed to identify any newly discovered evidence, we conclude the district court did not err by dismissing the petition. *See* NRS 34.960(2) (requiring a petition to establish



factual innocence to aver the existence of newly discovered evidence).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Alvin R. Kacin, District Judge
Rickey Todd Major
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk