

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIMMY EARL DOWNS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KENNETH C. CORY, DISTRICT
JUDGE,
Respondents.

No. 50121

FILED

SEP 24 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. W. Casado
DEPUTY CLERK

ORDER DENYING PETITION

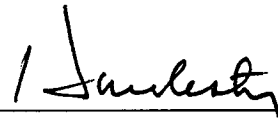
This is a proper person petition for a writ of mandamus. Petitioner seeks an order requiring that he be served with written notice of entry of the district court's order denying a motion for additional credit for time served pursuant to NRCP 58(e). Petitioner further seeks reinstatement of his appeal from the denial of his motion for additional credit for time served, which was dismissed for lack of jurisdiction, in Docket No. 49606 or permission to file a new notice of appeal from the order denying the motion for additional credit for time served after he has been served with a copy of the order denying the motion.¹ This court has considered the documents submitted, and we conclude that petitioner is not entitled to the relief requested.² Because petitioner filed a motion for

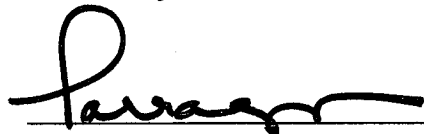
¹Downs v. State, Docket No. 49606 (Order Dismissing Appeal, July 24, 2007).

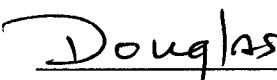
²See NRS 34.160.

additional credit for time served, the time for filing a notice of appeal began upon entry of the order denying his motion; there is not a notice of entry requirement for such a motion and the rules of civil procedure do not apply to such a motion filed in a criminal case.³ Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Kenneth C. Cory, District Judge
Jimmy Earl Downs
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

³See NRAP 4(b)(1); see generally Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996) (explaining that when a defendant does not file a post-conviction petition for a writ of habeas corpus the defendant may not take advantage of the appeal and notice of entry of order requirements for post-conviction petitions for writs of habeas corpus).