

IN THE SUPREME COURT OF THE STATE OF NEVADA

JORGE TORRES, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52826

**FILED**

**JUL 07 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

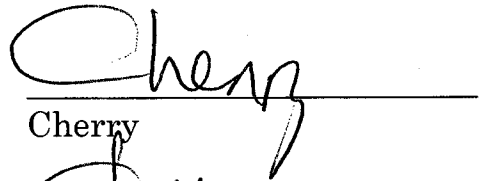
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of robbery. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Jorge Torres, Jr., to serve two concurrent prison terms of 26-120 months to run consecutively to the sentence imposed in district court case number CR06-2690 and ordered him to pay \$50 in restitution.<sup>1</sup>

Torres contends that he "should not be in prison now" because the sentence imposed in the instant case was ordered to run consecutively

<sup>1</sup>Although this court has elected to file the fast track statement and appendix submitted by Torres, we note that both fail to comply with the requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e); NRAP 30(b)(2). Specifically, although Torres was convicted by a jury after a two and a half day trial, the "Statement of Facts" section in the fast track statement provides no citations to the record. Further, the appendix submitted by Torres contains only the transcript of the sentencing hearing. Counsel for Torres is cautioned that failure to comply with the requirements for fast track statements and appendices in the future may result in both being returned, unfiled, to be correctly prepared, and may also result in the imposition of sanctions by this court. NRAP 3C(n).

to the sentence imposed in district court case number CR06-2690 and he has yet to complete his probationary term in that case and cannot do so while incarcerated. Torres does not directly challenge the judgment of conviction. Rather, Torres challenges the Nevada Department of Corrections' structuring and application of his sentence. This claim is not properly raised on direct appeal and may be raised by filing a petition for a writ of habeas corpus in the district court. See NRS 34.360; NRS 34.726; NRS 34.738. Therefore, we decline to consider Torres' contention. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

 J.

Cherry

 J.

Saitta

 J.

Gibbons

cc: Hon. Steven R. Kosach, District Judge  
Michael V. Roth  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk