

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN PAUL SUMMERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55185

FILED

NOV 22 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *MOD*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant John Paul Summers' post-conviction motion to amend the judgment of conviction. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

Summers contends that the district court erred by denying his motion to amend the judgment of conviction to include additional credit for time served in presentence confinement. No statute or court rule authorizes an appeal from an order denying a motion to amend a judgment of conviction.¹ Therefore, we lack jurisdiction to consider this appeal. See Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135

¹We note that claims for presentence credit must be raised in a direct appeal or a post-conviction petition for a writ of habeas corpus. See Griffin v. State, 122 Nev. 737, 746, 137 P.3d 1165, 1170-71 (2006).

(1990). Accordingly, we

ORDER this appeal DISMISSED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Abbi Silver, District Judge
Attorney General/Carson City
Clark County District Attorney
Law Offices of C. Conrad Claus
Eighth District Court Clerk

²Although we filed the appendix submitted by Summers, it fails to comply with the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2)(C); NRAP 30(c). The appendix fails to include an alphabetical index identifying each of the documents contained therein. Counsel for Summers is cautioned, once again, that failure to comply with the appendix requirements may result in it being returned, unfiled, to be correctly prepared, see NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).