

IN THE SUPREME COURT OF THE STATE OF NEVADA

MELVIN G. GRIMES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59610

FILED

MAY 10 2012

ORDER OF AFFIRMANCE

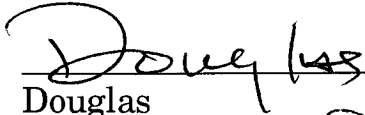
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK


This is an appeal from an amended judgment of conviction, pursuant to a guilty plea, of robbery, attempted robbery, and making a bomb threat. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

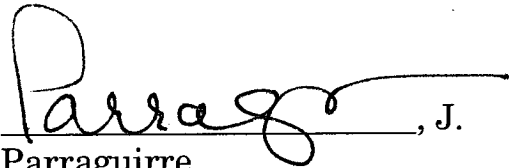
Appellant Melvin G. Grimes contends that the district court abused its discretion by imposing a disproportionate sentence constituting cruel and/or unusual punishment on the robbery count. See U.S. Const. amend. VIII; Nev. Const. art. 1, § 6. The matter of Grimes' sentence on the robbery count was not addressed by the amended judgment of conviction filed on October 27, 2011. In order to challenge the sentence imposed on the robbery count, Grimes needed to file a timely notice of appeal from the original judgment of conviction filed on July 22, 2011. See Morrell v. Edwards, 98 Nev. 91, 92-93, 640 P.2d 1322, 1324 (1982). Grimes' notice of appeal, however, was not filed until November 3, 2011, beyond the expiration of the 30-day appeal period prescribed by NRAP 4(b). Therefore, because Grimes' notice of appeal from the original judgment of conviction was untimely filed, we lack jurisdiction to consider

this issue. See Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we

ORDER the amended judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Michael Villani, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk