

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANE PATRICK BENBOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66918

FILED

FEB 23 2015

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

ORDER DISMISSING APPEAL

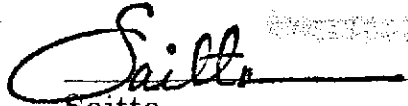
This is an appeal from a district court order dishonorably discharging probationer. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.


Because no statute or court rule provides for an appeal from the aforementioned order, on December 16, 2014, we ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). In response to the show-cause order, counsel appears to argue that a 1950 amendment to Article 5, Section 14 of the Nevada Constitution modified the definition of "final judgment" under NRS 177.015(3) when it authorized the district courts to suspend the execution of sentence and grant probation. Counsel fails to demonstrate that this constitutional amendment had any effect on the definition of a final judgment or that an order dishonorably discharging a defendant from probation is a final judgment. To the extent appellant contends that the order is a final judgment because a dishonorable discharge from probation denies the probationer the restoration of his civil rights under 176A.850, we also

15-05641

disagree. Accordingly, we conclude we lack jurisdiction to consider this appeal and we

ORDER this appeal DISMISSED.

 _____, J.
Saitta

 _____, J.
Gibbons

 _____, J.
Pickering

cc: Hon. Nancy L. Porter, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk
Shane Patrick Benbow