

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RIGOBERTO ENRIQUE ISZAZ A/K/A
RIGO TROTTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67550

FILED

NOV 19 2015

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

ORDER OF AFFIRMANCE


This is an appeal from a district court order revoking probation and an amended judgment of conviction. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

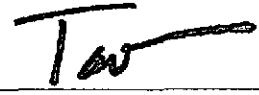
Appellant Rigoberto Enrique Iszaz argues the district court improperly revoked his probation after he had only served 10 months of his term. We review the district court's decision to revoke probation for abuse of discretion. *See Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). The State alleged Iszaz violated multiple conditions of his probation, including using methamphetamine, and Iszaz stipulated to violating the terms of his probation at the revocation hearing. The record reveals Iszaz's conduct was not as good as required by the conditions of his probation. *See id.* Accordingly, Iszaz has not demonstrated the district court abused its discretion in revoking his probation.


Iszaz also argues the district court abused its discretion by sentencing him to a felony and that his sentence of 19 to 48 months in prison constitutes cruel and unusual punishment. An appeal from an amended judgment of conviction may only challenge the amended judgment of conviction to the extent it differs from the original judgment

of conviction. *See Sullivan v. State*, 120 Nev. 537, 540-42, 96 P.3d 761, 763-65 (2004) (entry of an amended judgment of conviction can only provide good cause to file an untimely postconviction petition for a writ of habeas corpus if the claims raised relate to the amendment). Because the court imposed the original sentence, this claim is not properly raised in this appeal. To the extent this appeal can be construed as an appeal from the original judgment of conviction, the notice of appeal was not timely filed. *See* NRAP 4(b)(1)(A). Therefore, we lack jurisdiction to consider this claim. *See Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Stefany Miley, District Judge
The Almase Law Group LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk