

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMETRIUS METMET BLACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68195

FILED

MAR 16 2016

TRACIE F. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Williams*  
DEPUTY CLERK

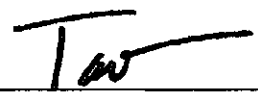
ORDER DISMISSING APPEAL

This is an appeal from a non-final judgment of conviction. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the order is not a final, appealable order because it states "Jurisdiction RETAINED as to restitution" and therefore, it contemplates the district court will be imposing restitution in a yet to be determined amount. NRS 176.105(1)(c); *Slaatte v. State*, 129 Nev. \_\_\_, \_\_\_, 298 P.3d 1170, 1171 (2013); *Whitehead v. State*, 128 Nev. \_\_\_, 285 P.3d 1053 (2012). We are confident that, upon determining restitution, the district court will award restitution in certain terms and do so in an amended, final judgment of conviction, at which point appellant will need to file a new notice of appeal to challenge the judgment of conviction. But, as no final appealable judgment has been entered below at this point, we lack jurisdiction and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Douglas W. Herndon, District Judge  
Nguyen & Lay  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk