

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAWRENCE HAROLD DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70702

FILED

MAR 23 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


Appellant Lawrence Davis appeals from an order of the district court revoking his probation and an amended judgment of conviction. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

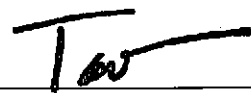
Davis was convicted on July 27, 2015, pursuant to a guilty plea, of conspiracy to commit forgery. He was sentenced to 364 days in jail, which was suspended, and he was placed on probation not to exceed 3 years. On July 21, 2016, the district court revoked Davis' probation and ordered Davis to serve the suspended sentence.


Davis' contention on appeal is the district court abused its discretion at sentencing and his sentence amounts to cruel and unusual punishment. Davis' claim is not properly raised in this appeal. The amended judgment of conviction revokes Davis' probation and merely reinstates the sentence imposed in the original judgment of conviction entered a year earlier. Davis waived his right to challenge the severity of his sentence by failing to pursue the matter in a direct appeal. See *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) ("[C]laims that are appropriate for a direct appeal must be pursued on

direct appeal, or they will be considered waived in subsequent proceedings.”), *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999). Therefore, we conclude Davis is not entitled to relief, and we

ORDER the order revoking probation and the amended judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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