

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDER UCEDA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72137

FILED

JAN 10 2018

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

ORDER OF AFFIRMANCE

This is an appeal from a second amended judgment of conviction. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant Alexander Uceda was convicted of multiple felonies after a jury trial. On direct appeal from his judgment of conviction, he raised trial errors, sentencing errors, and ineffective-assistance-of-counsel claims. This court reversed the judgment in part based on a sentencing error and remanded for the district court to enter an amended judgment of conviction. *Uceda v. State*, Docket No. 61657 (Order Affirming in Part, Reversing in Part, and Remanding, May 13, 2014). The district court entered an amended judgment of conviction and Uceda appealed. On appeal from the amended judgment of conviction, this court reversed the judgment based on additional sentencing errors and remanded for entry of a second amended judgment of conviction. *Uceda v. State*, Docket No. 66396 (Order Reversing and Remanding, December 18, 2015). Before the district court could enter a new judgment, Uceda filed a "Motion For Reversal of Convictions Based Upon Structural Error." The district court construed the

motion as a postconviction petition for a writ of habeas corpus and denied it. The district court then entered a second amended judgment of conviction.

Uceda contends that the district court erred by construing his motion as a postconviction petition and denying it. As Uceda seems to acknowledge, his motion should have been construed as a motion for a new trial. As such, the motion was untimely.¹ See NRS 176.515. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Douglas Smith, District Judge
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We express no opinion on the merits of any claim based on *Barral v. State*, 131 Nev., Adv. Op. 52, 353 P.3d 1197, 1197 (2015).