

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN MILLER, A/K/A DUSTON  
MILLER,

No. 75544

Appellant,


**FILED**

vs.

MAY 21 2018

THE STATE OF NEVADA,

Respondent.

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

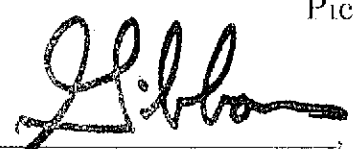
*ORDER DISMISSING APPEAL*

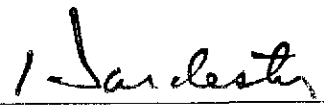
This is an appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the order is not a final, appealable order because it states "Restitution payable jointly and severally . . . once determined, Court retains jurisdiction regarding 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. 219, 298 P.3d. 1170 (2013); *Whitehead v. State*, 128 Nev. 259, 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 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.

 J.  
Pickering

 J.  
Gibbons

 J.  
Hardesty

cc: Hon. Kathleen E. Delaney, District Judge  
Dustin Miller  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk