

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT JAMES WALSH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73539

FILED

JUN 13 2018

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

ORDER OF AFFIRMANCE

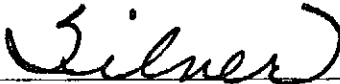
Robert James Walsh appeals from an order of the district court denying a “motion for new trial and judgment of acquittal with extraordinary circumstance.”¹ Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.


In his April 21, 2017, motion and supporting documents, Walsh claimed the trial court committed errors and he received the ineffective assistance of his trial and appellate counsel. NRS 176.515(4) provides that a motion for a new trial based upon any grounds other than newly discovered evidence “must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.” Walsh’s motion was not based on newly discovered evidence, the motion was filed more than three years after the jury’s verdict, and the district court did not provide Walsh with further time to file a motion for a new trial. Therefore, the district court did not err by denying Walsh’s motion.

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

To the extent Walsh also pursued a motion for judgment of acquittal, such a motion "must be made within 7 days after the jury is discharged or within such further time as the court may fix during that period." NRS 175.381(2). Walsh's motion was filed more than three years after the jury was discharged and the district court did not provide Walsh further time to file a motion for judgment of acquittal. Therefore, we conclude the district court did not err by denying Walsh's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kimberly A. Wanker, District Judge
Robert James Walsh
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk