

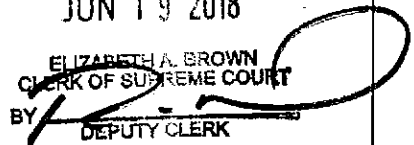
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT STEPHEN JACKSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71726

FILED

JUN 19 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Robert Stephen Jackson appeals from an amended judgment of conviction pursuant to a jury verdict of three counts of attempt murder with use of a deadly weapon with the intent to promote, further or assist a criminal gang; one count of battery with use of a deadly weapon resulting in substantial bodily harm with the intent to promote, further or assist a criminal gang; two counts of battery with use of a deadly weapon with the intent to promote, further or assist a criminal gang; and possession of firearm by ex-felon. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Jackson was found guilty after a jury trial of multiple charges stemming from a shooting on the Las Vegas Strip.¹ Jackson appealed, claiming numerous errors, and this court reversed and remanded the case to the district court with specific instructions to vacate counts one and nine,

¹We do not recount the facts except as necessary to our disposition.

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and to reinstate count eight.² Thereafter, the district court resentenced Jackson and dismissed counts one, eight, and nine.³

On appeal, Jackson now argues that the district court erred in allowing counts two, four, and six to stand, based on this court's prior order. We disagree. To the extent Jackson raises claims that this court previously considered in his first appeal, he is barred by the doctrine of the law of the case from further litigating these claims. *See Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975). To the extent Jackson raises new claims challenging his convictions for counts two, four, and six, these challenges do not arise from the amendments made to the original judgment of conviction and, therefore, they are not properly raised in this appeal. *See Jackson v. State*, 133 Nev. ___, ___, 410 P.3d 1004, 1006 (Ct. App. 2017) (holding that an "appellant [appealing from an amended judgment of conviction] may only raise challenges that arise from the amendments made to the original judgment of conviction").

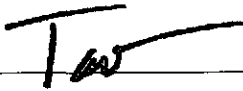
²*See State v. Jackson*, Docket Nos. 66573 & 67707 (Order Affirming in Part, Reversing in Part and Remanding, Ct. App., Mar. 16, 2016) (remanding "for the limited purpose of amending the judgment of conviction to remove count one, and to reinstate and sentence Jackson on count eight"); *see also State v. Jackson*, Docket No. 66573 (Order Denying Petition for Review, June 24, 2016).


³On remand, the district court erroneously stated that this court's order mandated an "acquittal" on counts eight and nine, instead of reinstating count eight as ordered. But, the State failed to object to the district court's erroneous dismissal of count eight despite its cross-appeal. And, the State did not appeal the district court's erroneous dismissal of count eight.

Accordingly, we

ORDER the amended judgment of conviction **AFFIRMED**.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, Chief Judge
The Law Office of Travis Akin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk