

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESHAWN DANIELS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77016

FILED

DEC 10 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from an amended judgment of conviction. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

When this court's review of the notice of appeal and documents before this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that appellant was not aggrieved by the amended judgment of conviction because the amended judgment was entered after the district court granted appellant's motion to correct his credit for time served. *See* NRS 177.015 (allowing an appeal by an aggrieved party).

In response to our order, appellant first alleges, without citation to authority, that the original judgment of conviction was not the final order in this matter where it contained an error regarding credit for time served. This contention lacks merit. An error regarding credits does not render a judgment of conviction non-final.

Second, appellant asserts that he is aggrieved by the amended judgment of conviction because it orders him to serve a term of years in the Nevada Department of Corrections. The amended judgment of conviction orders appellant to serve the same term of years as the original judgment

of conviction. Appellant could have, but did not, challenge the term of years via an appeal from the original judgment of conviction. And the time to file a notice of appeal from the original judgment of conviction has long since expired. See NRAP 4(b)(1)(A). As appellant is not aggrieved by the change made to his sentence in the amended judgment of conviction, he is not aggrieved by the amended judgment of conviction.

Lastly, appellant asks that we “hold harmless any defects in filing the notice of appeal.” Appellant argues that he will likely prevail on a postconviction petition for writ of habeas corpus alleging ineffective assistance of counsel for failing to timely file a notice of appeal. The ultimate result, he argues, is that appellant’s case will languish for an indefinite period of time before finally being heard on its merits. We decline appellant’s request. NRS 177.015 allows appeals only by aggrieved parties and appellant is not aggrieved by the amended judgment of conviction. Accordingly, we lack jurisdiction and we

ORDER this appeal DISMISSED.

Pickering, J.

Pickering

Gibbons

Gibbons

Hardesty, J.

Hardesty

cc: Hon. William D. Kephart, District Judge  
Sanft Law, P.C.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk