

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMMIE NUNN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80121-COA

FILED

MAR 05 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Sammie Nunn appeals from an order for revocation of probation and amended judgment of conviction, entered pursuant to a guilty plea, of battery with use of a deadly weapon. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Nunn contends the district court abused its discretion by revoking his probation without considering mitigating evidence. The decision to revoke probation is within the broad discretion of the district court, and will not be disturbed absent a clear showing of abuse. *Lewis v. State*, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). At the time Nunn's probation was revoked, evidence supporting a decision to revoke probation had to be merely sufficient to reasonably satisfy the district court that the conduct of the probationer was not as good as required by the conditions of probation. *Id.* Because Nunn stipulated to the revocation of his probation, admitted he violated the terms of his probation, and chose not to present any mitigating evidence at his hearing, we conclude the district court did not abuse its discretion by revoking his probation.


Nunn also claims the district court erred by denying his claims of ineffective assistance of counsel that were raised in his postconviction

petition for a writ of habeas corpus. However, because this is an appeal from the judgment of conviction and not an appeal from the order resolving the postconviction petition, we lack jurisdiction to consider these claims, and we take no action on them.<sup>1</sup> See *Abdullah v. State*, 129 Nev. 86, 91, 294 P.3d 419, 422 (2013) (“[An] order that is not designated in the notice [of appeal] cannot be considered on appeal.”).

Finally, Nunn argues the cumulative effect of the errors in this case warrants reversal. As Nunn has identified no errors, we conclude there are no errors to cumulate. See *Morgan v. State*, 134 Nev. 200, 201 n.1, 416 P.3d 212, 217 n.1 (2018). Accordingly, we

ORDER the order for revocation of probation and amended judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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<sup>1</sup>Nunn contends a reference to his postconviction pleadings in his docketing statement put the State on notice that he would be challenging the denial of those pleadings. However, it is the notice of appeal that vests appellate courts with jurisdiction over an appeal. See *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), *overruled on other grounds by Rippo v. State*, 134 Nev. 411, 426, 423 P.3d 1084, 1100 (2018).

cc: Hon. Mary Kay Holthus, District Judge  
Terrence M. Jackson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk