

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDDY MARTINEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83195-COA

FILED

MAR 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Freddy Martinez appeals from an order of the district court denying a motion to modify sentence and an order of the district court transferring Martinez's motion for credits to a different judicial district. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Motion to modify sentence

In his April 29, 2021, motion, Martinez requested modification of his sentence so that all of his prison terms would be concurrent. Martinez also appeared to request an order directing the prison to aggregate his terms. In addition, Martinez appeared to assert that he should have been subject to federal mandatory minimum sentences and that he should not be considered a career offender under federal law. Martinez's claims fell outside the narrow scope of claims permissible in a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude the district court did not err by denying the motion.

Order transferring motion to a different judicial district

Martinez filed a motion on April 29, 2021, in which he challenged the calculation of his prison credits. Because Martinez challenged the computation of his time served, the district court construed the motion as a postconviction petition for a writ of habeas corpus and, pursuant to NRS 34.738(2), ordered it transferred to the First Judicial District Court for its review because Martinez was incarcerated in Carson City.

Only a final decision of the district court is appealable. *See* NRS 177.015(3); NRS 34.575(1). Because the district court's order transferring the motion did not dispose of Martinez's challenge to the computation of time served, the order is not a final order. *See Sandstrom v. Second Judicial Dist. Court*, 121 Nev. 657, 659, 119 P.3d 1250, 1252 (2005) (explaining a final order disposes of all issues and leaves nothing for future consideration). Therefore, we lack jurisdiction over this appeal. Accordingly, we

ORDER the judgment of the district court AFFIRMED and
ORDER the appeal from the order to transfer DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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