

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRAVIS RANDALL WALTERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86408

FILED

OCT 13 2023

ORDER DISMISSING APPEAL

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. Brown*
DEPUTY CLERK

This is an appeal from a district court order of deferral in accordance with NRS 176A.250. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

When review of the notice of appeal and documents before this court revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it did not appear that any statute or court rule provides for an appeal from such an order. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (explaining that this court has jurisdiction only when a statute or court rule provides for an appeal).

In response, appellant contends the portion of the order requiring appellant to pay restitution is a final judgment on the merits. Appellant asserts that if he fails to pay the restitution amount, he can be removed from specialty court and suffer a conviction. If he is unable to challenge the restitution order now, he asserts, he will suffer consequences that attach to a final order on the merits.

Although he does not cite to the statute, it appears appellant asserts the restitution portion of the order is appealable under NRS 177.015(3), which allows a defendant to appeal from a final judgment in a criminal case. However, the order challenged here is not a final judgment—

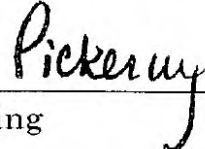
the order defers entering judgment. *See generally State v. Harris*, 131 Nev. 551, 554, 355 P.3d 791, 793 (2015) (recognizing that this court has described any order entered before a judgment of conviction as an intermediate order). Further, the appealability of an order is not determined by any consequences that may flow as a result of that order. Instead, an appeal must be authorized by a specific statute or court rule. *Castillo*, 106 Nev. 352, 792 P.2d at 1135.

Appellant next seems to contend that the portion of the order imposing restitution is appealable under NRS 176.275(1).¹ Appellant does not provide any argument in support of this contention. Moreover, NRS 176.275 does not authorize an appeal from an order imposing restitution.

Accordingly, appellant fails to demonstrate this court's jurisdiction, *see Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”), and this court

ORDERS this appeal DISMISSED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

¹NRS 176.275(1) provides that a judgment requiring a defendant to pay restitution “constitutes a lien in like manner as a judgment for money rendered in a civil action.” A judgment requiring restitution “[m]ay be recorded, docketed and enforced as any other judgment for money rendered in a civil action” and “does not expire until the judgment is satisfied.” NRS 176.275(2).

cc: Hon. Lynne K. Simons, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk