

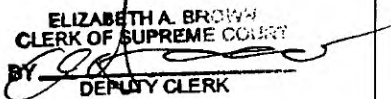
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY DOUGLAS ECHOLS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88703-COA

FILED

NOV 26 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony Douglas Echols appeals from a district court order denying a “motion to vacate pursuant to NRS 176.515(1)” filed on March 19, 2024.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

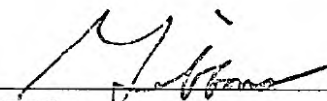
In his motion, Echols argued that his judgment of conviction should be vacated as a matter of law. Echols purported to file his motion pursuant to NRS 176.515(1), which permits a district court to “grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.”² A motion for a new trial that is not based on the

¹For the reasons set forth below, we construe this appeal as an appeal from an order denying a motion for a new trial. We note that Echols’ motion did not cite to, or substantially comply with, the requirements applicable to a postconviction petition for a writ of habeas corpus, and the district court did not appear to construe Echols’ pleading as a postconviction habeas petition. Moreover, Echols maintains on appeal that his motion was not a postconviction habeas petition.


²NRS 176.515(2) allows a district court to vacate a judgment, take additional testimony, and enter a new judgment “[i]f trial was by the court without a jury.” Echols was convicted pursuant to a jury verdict; thus, this provision does not apply to Echols.

ground of newly discovered evidence “must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.” NRS 176.515(4). Echols’ motion was not based on newly discovered evidence, and he filed his motion over 21 years after the jury entered its verdict on January 16, 2003. Therefore, Echols’ motion was untimely, and we conclude the district court did not err by denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: First Judicial District Court, Dept. One
Anthony Douglas Echols
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk