

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTWON DONELL PERKINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90349-COA

FILED

OCT 15, 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Antwon Donell Perkins appeals from a district court order denying a motion for a new trial filed on February 25, 2025. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

In his motion, Perkins appeared to contend that (1) his sentence was illegal, (2) a miscarriage of justice occurred because a rape kit did not reveal his DNA on the victim, (3) he received an all-white jury, (4) pretrial publicity deprived him of his right to a fair trial, (5) exculpatory evidence was not disclosed before trial, (6) counsel had a conflict because they could not agree on a trial strategy, (7) he would have been acquitted had he testified at trial, (8) the victim was groomed or coached by the prosecution, (9) he is entitled to an appeal, and (10) there was very little investigation before trial. The district court denied the motion as untimely and declined to construe the motion as a postconviction petition for a writ of habeas corpus.

“[A] motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.” NRS 176.515(3). In contrast, “[a] motion for a new trial based on any other grounds 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). Perkins did not allege that the motion was based upon newly discovered evidence,¹ and the motion was filed more than one year after the jury entered its verdict on July 11, 2023. Therefore, Perkins’ motion was untimely filed.

Although some of Perkins’ claims appeared to challenge the validity of his judgment of conviction or sentence, we conclude the district court did not err by declining to construe Perkins’ motion as a postconviction habeas petition because the motion did not substantially comply with the statutory form for such a petition.² See NRS 34.735; see also NRS 34.724(2)(b) (stating a postconviction habeas petition “[c]omprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the judgment of conviction or sentence, and must be used exclusively in place of them”). To the extent Perkins attempted to challenge the facial legality of his sentence pursuant to NRS 176.555, Perkins failed to demonstrate the district court was without jurisdiction to impose a sentence or that the sentence was

¹On appeal, Perkins appears to contend the district court did not determine whether juror misconduct constituted newly discovered evidence. Perkins did not raise a claim of juror misconduct in his motion, nor did he allege that his motion was based on newly discovered evidence. Therefore, we conclude Perkins is not entitled to relief on this claim.

²For this reason, we conclude the district court did not err by declining to appoint Perkins counsel. See NRS 34.750 (stating a district court may appoint counsel to represent a petitioner in postconviction habeas proceedings if it determines the petitioner is indigent and the petition is not summarily dismissed).

imposed in excess of the statutory maximum.³ See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

For the foregoing reasons, we conclude the district court did not err by denying Perkins' motion,⁴ and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Eric Johnson, District Judge
Antwon Donell Perkins
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³Perkins was sentenced to: five years to life in prison for first-degree kidnapping of a minor, NRS 200.310(1), NRS 200.320(2); five years to life in prison for battery with intent to commit sexual assault victim under 16, NRS 200.400(4)(c); 10 years to life in prison for lewdness with a child under the age of 14, NRS 201.230(2); and 35 years to life in prison for each count of sexual assault of a minor under 14 years of age, see 2015 Nev. Stat., ch. 399, § 8, at 2235-36.

⁴Insofar as Perkins has raised other arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.