

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ALAN SHEHADY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42806

FILED

SEP 15 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of conspiracy to cheat at gambling, and one count of commission of a fraudulent act in a gaming establishment. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

On August 30, 2004, counsel for appellant filed a notice in this court that the appellant died on June 18, 2004. In the notice, counsel requests that this court decide this appeal on the merits, "not only for the sake of the memory of the defendant . . . but for the need for clarification of the law, for the benefit of the bench and bar, regarding the issues raised in this appeal." We conclude, however, that appellant's death has rendered this appeal moot. Moreover, counsel has not demonstrated that

this case falls within any exception to the mootness doctrine.¹ Accordingly we

ORDER this appeal DISMISSED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Michael A. Cherry, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

¹Cf. Goldman v. Nevada Comm'n on Judicial Discipline, 108 Nev. 251, 255, 830 P.2d 107, 110 (1992) (holding that appeal may not be moot where issues raised are questions of first impression and are of exceptional importance), disapproved of on other grounds by In Re Fine, 116 Nev. 1001, 1022 n.17, 13 P.3d 400, 414 n.17 (2000); McKay v. Bergstedt, 106 Nev. 808, 801 P.2d 617 (1990).