

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW YOUNG,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83243

FILED

MAR 15 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER

This is a direct appeal from a judgment of conviction for several theft charges. Appellant was originally charged with numerous theft offenses and additional charges of attempted murder with use of a deadly weapon and battery with use of a deadly weapon causing substantial bodily harm. The district court severed the theft charges, and appellant was tried, convicted, and appealed in the instant appeal. The opening brief was filed on March 8, 2022. Appellant has filed a notice informing this court that during the pendency of this appeal, appellant – represented by different counsel - was tried on the attempted murder and battery charges and was convicted of battery with use of a deadly weapon causing substantial bodily harm. On March 8, 2022, the district court entered an amended judgment of conviction that now includes both the original theft convictions and the subsequent conviction for the battery with use of a deadly weapon causing substantial bodily harm. Appellant seeks leave to file an amended appendix and second amended opening brief to include and address the new conviction for battery with use of a deadly weapon causing substantial bodily harm.

The motion is denied. Appellant has not filed a notice of appeal from the amended judgment of conviction, and the amended judgment of

conviction is not before this court. *See* NRS 177.015(3) (an amended judgment of conviction is substantively appealable); *see also Jackson v. State*, 133 Nev. 880, 881-82, 410 P.3d 1004, 1006 (Ct. App. 2017). This denial is without prejudice to appellant's right to renew this motion upon the filing of a notice of appeal from the amended judgment of conviction. The clerk of this court shall strike the supplemental appendix filed on March 11, 2022.

It is so ORDERED.

 C.J.

cc: Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney