

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON RICHARD LOFTHOUSE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70587

FILED

MAY 18 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER

Appellant has filed a motion in which he asserts that his sentence is illegal and represents that a "Clarification of Sentence" is scheduled to be held on May 18, 2017, in the district court. Appellant asks that this court remand this matter to the district court so that it may correct the illegal sentence.

The district court has no authority to enter an amended judgment of conviction after the notice of appeal has been filed and before the remittitur has issued from this court. *See* NRS 177.155, NRS 177.305; *Foster v. Dingwall*, 126 Nev. 49, 52-53, 228 P.3d 453, 454-56 (2010); *Buffington v. State*, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994). If the district court is inclined to grant appellant relief and amend the judgment of conviction, the district court should certify its inclination to modify the judgment of conviction, after which appellant may file a motion in this court, with the district court's certification attached, seeking a limited remand for entry of an amended judgment of conviction. *See Foster*, 126 Nev. at 53, 228 P.3d at 455-56. If, however, the district court is not inclined to grant relief, it may enter an order denying relief without a remand from this court. *See id.* at 456, 228 P.3d at 455.

Appellant's counsel shall have 30 days from the date of this order to comply with the procedure set forth in *Foster*, inform this court that the district court has denied the motion, or inform this court of the status of the district court proceedings on the motion.

Briefing of this appeal shall be suspended pending further order of this court.¹

It is so ORDERED.

Cherry, C.J.

cc: Hon. Eric Johnson, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Given this order, we take no action on appellant's alternative motion to reconsider our order denying his motion for a fourth extension of time to file the opening brief.