

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTIAN STEPHON MILES,     )  
  )  
                  Appellant,       )  
  )  
v.                                        )  
  )  
THE STATE OF NEVADA,         )  
  )  
                  Respondent.     )  
\_\_\_\_\_  
  )

No. 79554, and  
No. 80963

Electronically Filed  
Apr 14 2020 04:09 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

MOTION TO CONSOLIDATE APPEALS

Pursuant to NRAP 3(b)(2), appellant, Christian Stephon Miles, moves to consolidate appeal numbers 79554 and 80963. The two appeals are related, as they both arise out of the same district court case (C-15-306436-1).

Following a jury trial, Miles was convicted of multiple crimes and sentenced to several consecutive sentences, including two five to life sentences. The judgment was entered on September 5, 2019, and Miles timely appealed from the judgment. That appeal is No. 79554, and the opening brief is currently due April 20, 2020. On March 26, 2020, the district court entered an amended judgment of conviction, clarifying that Miles' aggregate total sentence is 163 months to life, not 167 months to life as stated in the original judgment. Miles timely appealed from the amended judgment of conviction, as well. That appeal is No. 80963. It was docketed on April 9, 2020.

The court obviously has the power and authority to consolidate the appeals. *See* NRAP 3(b)(2) (“[A]ppeals may be joined or consolidated by the court upon its own motion or upon motion of a party.”). The appeals are related. They arise out of the same district court case. They’re appeals from the original and amended judgments of conviction, and it is not uncommon to consolidate such appeals. *See e.g., Flowers v. State*, 136 Nev. Adv. Op. 1, 456 P.3d 1037, 1041 (2020).

Miles’ appeal from the original judgment (No. 79554) is challenging the sentences imposed, among other things. He appealed from the amended judgment of conviction because, although it clarified that his aggregate total sentence is 163 (not 167) months to life, it did not change the sentences imposed. It simply corrected a clerical/computational error by the district court. Miles, therefore, appealed from the amended judgment of conviction to preserve his right to challenge the sentences imposed, and why he is now moving to consolidate the two appeals. *Cf. Jackson v. State*, 133 Nev. 880, 410 P.3d 1004 (Nev. Ct. App. 2017) (“Allowing a defendant in an appeal from an amended judgment of conviction to raise challenges that could have been raised on appeal from the original judgment of conviction would undermine the doctrine of finality of judgments by allowing a defendant to challenge the original judgment of conviction in perpetuity.”)

For these reasons, Miles respectfully requests the court consolidate appeal  
Nos. 79554 and 80963.

DATED: April 14, 2020.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on April 14, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
Nevada Attorney General

ALEXANDER CHEN  
Chief Deputy District Attorney

/s/ Mario D. Valencia  
MARIO D. VALENCIA