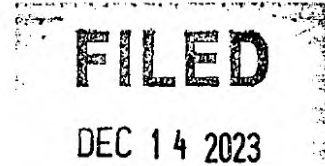
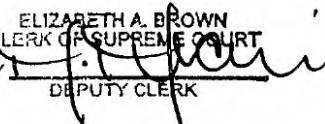


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TREVOR OTTO HEITMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86803-COA



ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER OF AFFIRMANCE

Trevor Otto Heitman appeals from an amended judgment of conviction, entered pursuant to a plea of no contest, of misdemeanor domestic battery. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

First, Heitman argues the district court improperly amended his judgment of conviction to add the completion of drug court as a term of his probation. Heitman appears to argue the amendment was in violation of *Staley v. State*, 106 Nev. 75, 79, 787 P.2d 396, 398 (1990), *overruled on other grounds by Hodges v. State*, 119 Nev. 479, 78 P.3d 67 (2003), because he had already begun serving his sentence. *Staley* is distinguishable because it addressed a district court's authority to enter an amended judgment of conviction modifying a sentence of imprisonment. *See id.* at 77-79, 787 P.2d at 397-98. Here, the district court modified a condition of Heitman's probation, not his underlying, suspended jail sentence. Because a district court "may at any time modify[] any conditions of probation or suspension of sentence," NRS 176A.450(1), *Staley* is not dispositive. Therefore, we conclude Heitman is not entitled to relief based on this claim.

Second, Heitman argues the district court erred by issuing a bench warrant for his arrest. The State argues, and Heitman does not dispute, that this issue is moot. Heitman does not dispute mootness, and he has failed to carry his burden of proof that an exception to mootness exists. *See Bisch v. Las Vegas Metro. Police Dep't*, 129 Nev. 328, 334-35, 302 P.3d 1108, 1113 (2013) (placing the burden of overcoming mootness on the party seeking to invoke an exception to the mootness doctrine). Therefore, we conclude he is not entitled to relief based on this claim, and we

ORDER the amended judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk