

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD C. GASTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44525

FILED

MAR 08 2005

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an amended judgment of conviction. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge.

On June 30, 1994, the district court convicted appellant, pursuant to a plea of guilty, of first-degree murder with the use of a deadly weapon. The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole and an equal and consecutive term for the deadly weapon enhancement. No timely direct appeal was taken. Appellant unsuccessfully sought post-conviction relief.<sup>1</sup>

In 2003, appellant filed a motion to withdraw the guilty plea. The district court denied the motion, and this court affirmed the order of the district court on appeal.<sup>2</sup> This court directed the district court to correct the judgment of conviction to reflect that each sentence had a ten-year minimum term to be served before appellant was eligible for parole.

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<sup>1</sup>Gaston v. State, Docket No. 28372 (Order Dismissing Appeal, October 2, 1998).

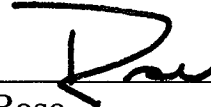
<sup>2</sup>Gaston v. State, Docket No. 42919 (Order of Affirmance and Limited Remand to Correct the Judgment of Conviction, September 22, 2004).

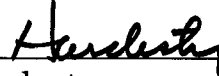
On December 6, 2004, the district court amended the judgment of conviction as directed. On January 10, 2005, appellant filed a notice of appeal from the amended judgment of conviction.

This court's review of the documents before it indicates that there is no basis for this appeal. The only possible issue that could be raised on appeal is whether the district court properly corrected the judgment of conviction pursuant to this court's order. We conclude that the district court properly corrected the judgment of conviction.<sup>3</sup> Accordingly, there being no basis for this appeal, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Becker

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Nancy M. Saitta, District Judge  
Richard C. Gaston  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>3</sup>See 1989 Nev. Stat., ch. 631, § 1, at 1451.