

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES VERNON MORRIS,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
SALLY L. LOEHRER, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 44933

**FILED**

JUN 01 2005

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

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus seeking enforcement of a prior decision of this court.

On February 2, 1996, the district court convicted petitioner, pursuant to a guilty plea, of one count of robbery with the use of a deadly weapon in district court case number C132454. The district court sentenced petitioner to serve a term of 37 to 93 months in the Nevada State Prison for the robbery and an equal and consecutive term for the deadly weapon enhancement. Petitioner was provided with 69 days of credit for time served.

On February 21, 1996, the district court convicted petitioner, pursuant to a guilty plea, of one count of robbery with the use of a deadly

weapon in district court case number C132815. The district court sentenced petitioner to serve a term of 60 to 150 months in the Nevada State Prison for the robbery and an equal and consecutive term for the deadly weapon enhancement. The district court ordered that the sentence was to run concurrently with the sentence imposed in district court case number C132454.

On March 14, 2002, petitioner filed a proper person motion for sentence clarification in the district court. In his motion, petitioner challenged the Department of Corrections' restructuring of his sentences after he had begun to serve them. On May 10, 2002, the district court denied the motion. Petitioner appealed, and this court reversed the district court's order.<sup>1</sup> This court concluded that the Department of Corrections improperly restructured his sentences to determine a new parole eligibility date. This court observed that restructuring petitioner's sentences created at least a 20-month delay before petitioner was eligible for parole to the streets and may have affected the expiration date for his consecutive sentences in district court case number C132815 because a prisoner does not begin to accrue credits towards a consecutive sentence until he begins to serve that sentence. This court remanded the matter to the district court with instructions to order the Department of Corrections to amend their records to reflect that petitioner will be eligible to appear

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<sup>1</sup>Morris v. State, Docket No. 39759 (Order of Reversal and Remand, March 24, 2004).

before the parole board on January 20, 2006, five years from the date that petitioner would have been eligible to receive an institutional parole absent the restructuring of petitioner's sentences. This court also noted that the Department of Corrections should be instructed to make any corrections in relation to credits.


Petitioner argues that the correction has not been made to his records. He claims that he has submitted two motions to the district court to prompt entry of a written order.

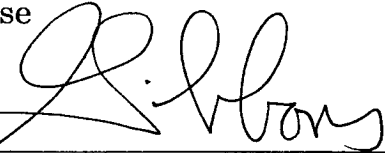
It appeared from the documents before this court that no written order had been entered by the district court, but that on July 12, 2004, the district court directed the attorney general to prepare a written order in the case. Consequently, it appeared that petitioner had not yet received relief from the error created by the improper structuring of his sentences.

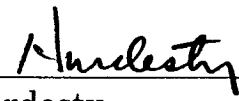
This court directed the attorney general to respond and inform this court of the status of this matter. The attorney general filed a timely response explaining that Morris's records had not yet been corrected. The attorney general was informed by the Correctional Case Manager that Morris's records would be immediately corrected in compliance with this court's prior order and that the attorney general would ensure compliance with this court's prior order. The attorney general further indicated in a second response that the district court has entered the order contemplated by this court's prior order of reversal and remand. Because the Department of Corrections has indicated that it will immediately correct

Morris's criminal records, this court concludes that extraordinary intervention is not warranted in this matter.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.<sup>3</sup>

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

  
\_\_\_\_\_, J.  
Gibbons

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

cc: Hon. Sally L. Loehrer, District Judge  
James Vernon Morris  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>See NRS 34.160.

<sup>3</sup>We have received and considered petitioner's proper person reply, and we conclude that the relief requested is not warranted.