

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM WESTRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46181

FILED

JUN 28 2006

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.

On February 28, 2003, the district court convicted appellant, pursuant to a guilty plea, of possession of a firearm by an ex-felon in district court case number C188773. The district court sentenced appellant to serve a term of twelve to thirty-six months in the Nevada State Prison. The district court ordered that this sentence be served concurrently with the sentences imposed in district court case numbers C188907 and C180994. No direct appeal was taken.

On September 13, 2005, appellant filed a proper person motion to correct an illegal sentence in the district court. Appellant designated district court case number C188773 on the face of the motion. The State opposed the motion. On September 29, 2005, the district court summarily denied appellant's motion. This appeal followed.


In his motion, appellant challenged the validity of the judgment of conviction imposed in district court case number C188907. In district court case number C188907, appellant was convicted pursuant to a guilty plea of attempted murder with the use of a deadly weapon and


sentenced to serve two consecutive terms of three and one-half years to fifteen years in the Nevada State Prison. Appellant made no arguments relating to the validity of the judgment of conviction in district court case number C188773.

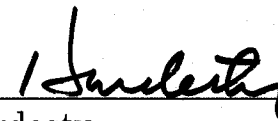
Appellant's challenge to the validity of the judgment of conviction entered in district court case number C188907 was improperly filed in a motion designating district court case number C188773. Therefore, we affirm the order of the district court summarily denying the motion filed in district court case number C188773.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Sally L. Loehrer, District Judge
William Westry
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk