

IN THE SUPREME COURT OF THE STATE OF NEVADA

ENRIQUE R. PEREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47623

FILED

OCT 23 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion to amend or correct the judgment of conviction. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

On June 29, 1999, the district court convicted appellant, pursuant to a guilty plea, of one count of conspiracy to commit murder with the intent to promote, further or assist a criminal gang and one count of first degree murder. The district court sentenced appellant to serve in the Nevada State Prison two consecutive terms of four to ten years and a consecutive term of life with the possibility of parole. No direct appeal was taken.

On April 25, 2006, appellant filed a proper person motion to amend or correct the judgment of conviction in the district court. The State opposed the motion. On August 3, 2006, the district court denied appellant's motion. This appeal followed.

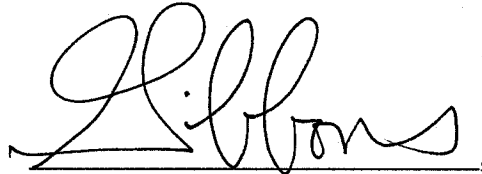
In his motion, appellant contended that the judgment of conviction incorrectly stated that his life sentence for the murder count was imposed to run consecutively to the conspiracy count. Appellant claimed that this was a clerical error that should be corrected by the district court.

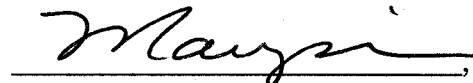
Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's motion. Appellant failed to demonstrate that the judgment of conviction contained a clerical error.¹ The record on appeal reveals that the district court imposed the sentence that appellant stipulated to receive as a part of the plea negotiations. Therefore, we affirm the order of the district court.

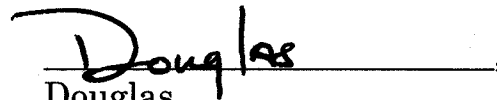
¹See NRS 176.565; Miller v. Hayes, 95 Nev. 927, 929, 604 P.2d 117, 118 (1979) ("[A] district judge's pronouncement of judgment and sentence from the bench is not a final judgment and does not, without more, oust the district court of jurisdiction over the defendant. Only after a judgment of conviction is 'signed by the judge and entered by the clerk,' as provided by NRS 176.105, does it become final and does the defendant begin to serve a sentence of imprisonment.")

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.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


Gibbons J.


Maupin J.


Douglas J.

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

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Jennifer Togliatti, District Judge
Enrique R. Perez
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk