

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLOYD LEE DEWIT,
Appellant,
vs.
CHERYL ANN DEWIT,
Respondent.

No. 35116

FILED

MAR 15 2000

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

ORDER DISMISSING APPEAL

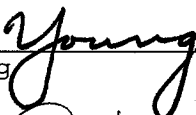
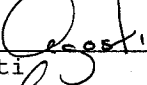
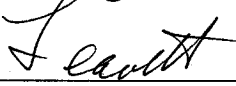
This is a proper person appeal from an order of the district court denying an NRCP 60(a) motion to correct an alleged clerical error in the decree of divorce.

Under NRCP 60(a), "[c]lerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders." A clerical error as applied to judgments and decrees has been defined as "a mistake or omission by a clerk, counsel, judge, or printer which is not the result of the exercise of the judicial function." *Marble v. Wright*, 77 Nev. 244, 248, 362 P.2d 265, 267 (1961). Whether to grant or deny a motion to correct a clerical error depends on the circumstances of each case and as justice may require. See *Allen v. Allen*, 70 Nev. 412, 270 P.2d 671 (1954). In proceedings to correct clerical errors, the burden to establish the error is on the moving party. See *Alamo Irrigation Co. v. United States*, 81 Nev. 390, 404 P.2d 5 (1965), overruled on other grounds by *Ford v. Showboat Operating Co.*, 110 Nev. 752, 877 P.2d 546 (1994).

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Having reviewed the record on appeal, we conclude that the district court did not abuse its discretion in denying the motion to correct the decree of divorce. See Allen, 70 Nev. at 415, 270 P.2d at 672 (explaining that where appellant is not entitled to correction of error as a matter of right, whether to grant relief is within the sound discretion of the district court). Accordingly, we

ORDER this appeal dismissed.

Young		J.
Agosti		J.
Leavitt		J.

cc: Hon. Charles M. McGee, District Judge
Virgil D. Dutt
John Sanchez
Floyd Lee deWit
Washoe County Clerk