

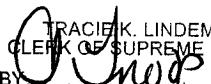
IN THE SUPREME COURT OF THE STATE OF NEVADA

EDIOSBEL RODRIGUEZ-RAMIREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56408

FILED

JAN 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER AFFIRMING AND REMANDING

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of three counts of unlawful possession of a mule deer. Seventh Judicial District Court, Lincoln County; Steve L. Dobrescu, Judge.

Appellant Ediosbel Rodriguez-Ramirez contends that the district court abused its discretion by relying on impalpable or highly suspect evidence—that he was involved in the death of the mule deer—in rejecting the sentencing recommendation of the parties and imposing a jail term rather than probation. This court will not disturb a district court’s sentencing determination absent an abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). Rodriguez-Ramirez has not demonstrated that the district court relied solely on impalpable or highly suspect evidence or alleged that the relevant sentencing statute is unconstitutional. See Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Rodriguez-Ramirez’s sentence of three consecutive jail terms of 6 months falls within the statutory parameters. See NRS 501.376(5). Further, it is within the district court’s discretion to impose consecutive sentences, see

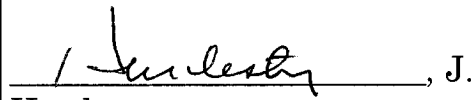
NRS 176.035(1), and grant or deny probation, see NRS 176A.100(1)(c). Therefore, we conclude that the district court did not abuse its discretion at sentencing.

Finally, we note that, as Rodriguez-Ramirez claims and the State agrees, the judgment of conviction erroneously lists a condition of probation. Rodriguez-Ramirez, however, was sentenced to a jail term. Therefore, we remand the matter to the district court for the entry of a corrected judgment of conviction following the issuance of the remittitur. See NRS 176.565 (providing that clerical errors in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (the district court does not regain jurisdiction following an appeal until the supreme court issues its remittitur). Accordingly, we

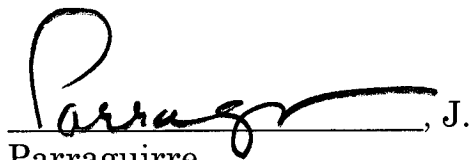
ORDER the judgment of conviction AFFIRMED AND REMAND this matter to the district court for proceedings consistent with this order.



_____, J.
Saitta



_____, J.
Hardesty



_____, J.
Parraguirre

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Carson City
State Public Defender/Ely
Attorney General/Carson City
Lincoln County District Attorney
Lincoln County Clerk