

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK CHRISTOPHER HALL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 35161

**FILED**

MAR 07 2000

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a modified judgment of conviction entitled, "judgment upon order of remand from the Supreme Court."

On August 1, 1996, the district court convicted appellant, pursuant to a guilty plea, inter alia, of one count of robbery of the elderly with the use of a deadly weapon. The district court sentenced appellant to a minimum term of 40 months to a maximum term of 180 months for the primary offense, with a like consecutive term for the use of a deadly weapon and a like concurrent term for the elderly enhancement.

Appellant filed a notice of appeal from the judgment of conviction, and this court dismissed the direct appeal pursuant to a motion for voluntary dismissal. Hall v. State, Docket No. 29093 (Order Dismissing Appeal, November 6, 1996).


On April 30, 1997, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The district court denied the petition. On appeal, this court concluded that the district court did not err in denying the petition. Hall v. State, Docket No. 31089 (Order of Remand, August 11, 1999). However, this court observed that an error was made in the original judgment of conviction with respect to the sentence for robbery of the elderly with the use of a deadly weapon. Specifically, the district court imposed prison terms for both the elderly and the deadly weapon enhancements contrary to NRS 193.169(1). Accordingly, this court entered an order of remand directing the district court to modify the judgment of conviction so that appellant would receive only

one sentence enhancement for the count of robbery of the elderly with the use of a deadly weapon.

On remand, after conducting a re-sentencing hearing, the district court corrected the judgment of conviction pursuant to this court's order and imposed only one enhancement term, i.e. the elderly enhancement. On November 15, 1999, appellant filed a proper person notice of appeal in the district court from the judgment of conviction entered on October 19, 1999.

The district court corrected the judgment of conviction in the manner directed by this court; and our review of the documents before this court reveals that no arguable assignment of error can be raised in this appeal from the modified judgment of conviction. Under these circumstances, we

ORDER this appeal dismissed.

  
Maupin J.

  
Shearing J.

  
Becker J.

cc: Hon. Janet J. Berry, District Judge  
Attorney General  
Washoe County District Attorney  
Mark Christopher Hall  
Washoe County Clerk