

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO J. ANTONACCIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60245

MARIO J. ANTONACCIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61017

FILED

SEP 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE WITH INSTRUCTIONS TO CORRECT THE
JUDGMENT OF CONVICTION

These are proper person appeals from an order denying a motion for amended judgment of conviction and an amended judgment of conviction.¹ Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge. We elect to consolidate these appeals for disposition. NRAP 3(b).

¹These appeals have been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the records are sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Docket No. 60245

In his motion filed on December 8, 2011, appellant claimed that the judgment of conviction should have reflected that his plea was pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). Based upon our review of the record on appeal, we conclude that the district court did not err in denying the motion, see NRS 176.565, because the record reflects that appellant's conviction was based upon a guilty plea and not an Alford plea in C199740. Therefore, we affirm the order of the district court denying the motion.

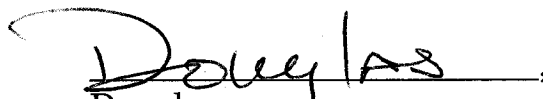
Docket No. 61017


Pursuant to relief sought in a second motion to amend the judgment of conviction, the district court amended the judgment of conviction on May 22, 2012, to provide 103 days of additional presentence credits. Based upon our review of the record on appeal, we affirm the order of the district court, concluding that appellant is not entitled to any additional credits.

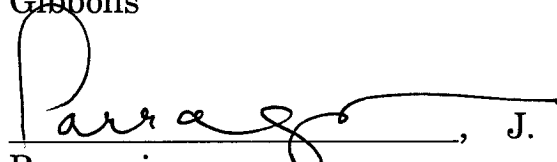
However, in reviewing the record on appeal, we observed that in amending the judgment of conviction, the district court mistakenly altered the judgment of conviction to reflect that the sentences in this case were to run consecutively with the sentences in case C204825. The original judgment of conviction in this case reflects that the sentences in this case were to run concurrently with the sentences in case C204825. Because a clerical error can be corrected at any time, see NRS 176.565, we direct the district court to enter a corrected judgment of conviction in

C199740 reflecting that the sentences in this case were to run concurrently with the sentences in C204825. Accordingly, we

ORDER the judgments of the district court AFFIRMED with instructions to correct the judgment of conviction.²


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Carolyn Ellsworth, District Judge
Mario J. Antonaccio
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We 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.