

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE BROWN,

No. 35681

Appellant,

vs.

FILED

THE STATE OF NEVADA,

MAY 23 2000

Respondent.

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion to vacate his sentence and relief from judgment.

On December 11, 1998, the district court convicted appellant, pursuant to a guilty plea, of driving and/or being in actual physical control of a vehicle while under the influence of intoxicating liquor, a violation of NRS 484.379.¹ The district court sentenced appellant to serve a minimum term of twelve (12) months to a maximum term of thirty (30) months in the Nevada State Prison. Appellant did not file a direct appeal.

On January 10, 2000, appellant filed a proper person motion to vacate his sentence and for relief from judgment. The State opposed the motion. The district court denied appellant's motion on February 8, 2000. This appeal followed.

In his motion, appellant contended that he was denied due process because his grand jury indictment was not presented in open court by the members of the grand jury in violation of NRS 171.100. He claimed that the State presented the indictment in closed court. Appellant's contentions are belied by the record. The foreperson, who was a member of the grand jury and elected foreperson by the other members of the grand jury, presented the indictment in open court, pursuant to NRS 172.075. See also NRS 172.005; NRS 172.255. The district court did not


¹On October 21, 1999, the district court entered an amended judgment of conviction, reflecting additional credit for time served.

00-08634

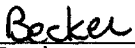
err in denying appellant's motion. See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

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. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976). Accordingly, we

ORDER this appeal dismissed.


_____, J.
Maupin


_____, J.
Shearing


_____, J.
Becker

cc: Hon. John S. McGroarty, District Judge
Attorney General
Clark County District Attorney
George Brown
Clark County Clerk