

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERSKINE CLARK, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63502

FILED

JAN 16 2014

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

*ORDER OF AFFIRMANCE AND DIRECTIONS TO CORRECT
CLERICAL ERROR IN THE JUDGMENT OF CONVICTION*

This is a proper person appeal from an order of the district court denying a motion to modify or correct sentence.¹ Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

The claims raised in appellant's April 9, 2013, motion fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude that the district court did not err in denying the motion.

In reviewing the record on appeal, we have determined that there is a clerical error in the judgment of conviction. The judgment of conviction states that appellant was adjudicated a large habitual criminal. However, the record indicates that while qualifying for large habitual

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

criminal treatment, appellant stipulated to and was adjudicated a small habitual criminal. See NRS 207.010. Therefore, we direct the district court to enter a corrected judgment of conviction reflecting that appellant was adjudicated a small habitual criminal (a Category B felony). Accordingly, we

ORDER the judgment of the district court AFFIRMED and direct the district court to correct the judgment of conviction as indicated above.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Valorie J. Vega, District Judge
Erskine Clark, Sr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk