

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHNNY WAYNE COLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70719

FILED

FEB 23 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Appellant Johnny Wayne Collins appeals from an order of the district court denying a motion to correct an illegal sentence and a motion to correct clerical mistake.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Collins first argues the district court erred in denying his May 25, 2016, motion to correct an illegal sentence. Collins was convicted, pursuant to a bench trial, of first-degree murder with the use of a deadly weapon and robbery with the use of a deadly weapon. In his motion, Collins claimed that the sentence imposed for the deadly weapon enhancements was illegal because the district court had not actually found he committed the underlying crimes with the use of a deadly weapon. Collins failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Collins' claim was patently without merit. At


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

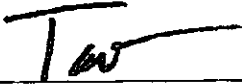
the conclusion of the bench trial, the district court specifically found Collins committed the charged crimes with a gun and stated it found him guilty of first-degree murder with the use of a deadly weapon and robbery with the use of a deadly weapon. Therefore, we conclude the district court did not err in denying Collins' motion to correct an illegal sentence.

Next Collins argues the district court erred in denying his May 25, 2016, motion to correct clerical mistake. However, we lack jurisdiction to consider this portion of Collins' appeal because no statute or court rule permits an appeal from the denial of a motion to correct clerical mistake. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).

Having concluded Collins is not entitled to relief, we

ORDER the judgment of the district court AFFIRMED regarding the motion to correct an illegal sentence and DISMISS the appeal of the order denying a motion to correct clerical mistake.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Johnny Wayne Collins
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk