

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DOUGLAS HARRY WARENBACK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71902

FILED

JUL 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


Douglas Harry Warenback appeals from an order of the district court denying a motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

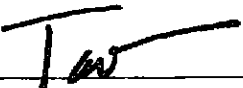
In his motion filed on October 4, 2016, Warenback claimed that his sentence was illegal. Warenback asserted his judgment of conviction contained a typographical error as it stated he committed pandering of a child pursuant to “NRS 201.300(a),” but the statute did not actually contain such a subsection. Warenback claimed the error in the judgment of conviction meant his crime was not actually covered under the statute requiring sex offender registration and therefore, the district court improperly imposed a sentence requiring him to register as a sex offender upon his release from custody. Warenback failed to demonstrate 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).


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

When Warenback committed his offense, NRS Chapter 179D required persons convicted of crimes involving a child, including an "offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive," to register as sex offenders following release from custody. See 2007 Nev. Stat., ch. 16, § 16(3), at 2757 (former version of NRS 179D.0357); see also 1997 Nev. Stat., ch. 137, § 2, at 295-96 (former version of NRS 201.300). As Warenback's offense was clearly encompassed by that provision, he did not demonstrate the typographical error in the judgment of conviction deprived the district court of the authority to order Warenback to register as a sex offender. Therefore, we conclude the district court did not err in denying Warenback's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²We note the district court can correct a clerical error at any time, see NRS 176.565, and therefore, it should correct the clerical error in the judgment of conviction by entering a corrected judgment of conviction specifying NRS 201.300 as the statute identifying Warenback's crime.

cc: Hon. William D. Kephart, District Judge
Douglas Harry Warenback
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk