

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES EUGENE KEMP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74662

FILED

AUG 14 2018

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

ORDER OF AFFIRMANCE


Charles Eugene Kemp appeals from an order of the district court denying a “motion to amend or alter judgment (post-conviction)” filed on September 8, 2017.¹ Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

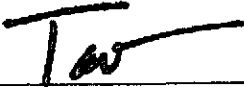
Kemp sought to have a “clerical error” in his 1994 judgment of conviction corrected: he wanted it amended to conform with the sentences orally pronounced at his sentencing hearing. Kemp’s claim of a clerical error is belied by the record. The district court minutes from the sentencing hearing indicate that, thereafter, the district clarified the sentence and the judgment of conviction reflected the correct sentence. Accordingly, the difference in oral and written sentences was not a clerical error but rather a permissible exercise of the district court’s authority. *See Bradley v. State*, 109 Nev. 1090, 1094-95, 864 P.2d 1272, 1275 (1993). Any challenge to the method by which the district court clarified the sentence should have been raised in Kemp’s direct appeal or in a postconviction petition for a writ of

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

habeas corpus.² Accordingly, we conclude the district court did not err by denying Kemp's motion, and we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Scott N. Freeman, District Judge
Charles Eugene Kemp
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We express no opinion as to whether Kemp could meet the procedural requirements of NRS chapter 34.

³We further conclude the district court did not err by declining to appoint counsel to represent Kemp in litigating his motion.