

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDRICK DILLARD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74989-COA

**FILED**

JAN 25 2019

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

*ORDER OF AFFIRMANCE*

Edrick Dillard appeals from a district court order denying a motion to modify and/or correct a sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

In his motion, Dillard appears to claim he should not have to register as a sex offender because he did not commit a crime involving a child. To this end, he argues the district court should correct the clerical error in his judgment of conviction by entering a corrected judgment of conviction that specifies he was convicted under NRS 201.300(2). And he asserts he did not receive notice that he was required to undergo a psychosexual examination and register as a sex offender, his trial counsel was ineffective, and Nevada's sex trafficking laws are unconstitutional.

As a general rule, the district court lacks jurisdiction to modify a sentence after the defendant has begun serving it. *Staley v. State*, 106 Nev. 75, 79, 787 P.2d 396, 398 (1990), *overruled on other grounds by Hodges v. State*, 119 Nev. 479, 484, 78 P.3d 67, 70 (2003). There are three

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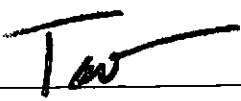
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

exceptions to this rule. First, for reasons of due process, a district court may “correct, vacate or modify a sentence that is based on a materially untrue assumption or mistake of fact that has worked to the extreme detriment of the defendant, but only if the mistaken sentence is the result of the sentencing judge’s misapprehension of a defendant’s criminal record.” *Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996) (internal quotation marks and emphasis omitted). Second, a district court has the inherent authority to correct a facially illegal sentence. *Id.* at 707-08, 918 P.2d at 324; *see also* NRS 176.555. And, third, the district court may correct clerical mistakes in judgments at any time. NRS 176.565.

We conclude the district court did not err by denying Dillard’s motion because he failed to demonstrate the district court relied upon mistaken assumptions about his criminal record, his sentence is facially illegal, or the judgment of conviction contains a clerical error.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, A.C.J.  
Douglas

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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<sup>2</sup>We note Dillard’s judgment of conviction expressly states he was convicted of sex trafficking pursuant NRS 201.300(2)(a)(3). The offense of sex trafficking is a sexual offense as defined by NRS 179D.097(1)(q). And a person convicted of a sexual offense is required to register as a sex offender by NRS 179.0927(2); NRS 179D.445(1); and NRS 179D.460(1).

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