

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY W. JOINER,

No. 36883

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

MAR 08 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion for order correcting clerical errors.

On August 10, 2000, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted possession of a forged instrument. The district court sentenced appellant to serve a minimum term of twelve months to a maximum term of thirty-four months in the Nevada State Prison, to be served concurrently with the sentence of imprisonment he was serving in the Nevada State Prison.

On September 11, 2000, appellant filed a proper person motion for order correcting clerical errors. On September 28, 2000, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that his judgment of conviction should be corrected to reflect that his sentence began on August 12, 1998. Appellant claimed that his sentence should have commenced on August 12, 1998, because that was the date the court issued its first summons for him to answer to the charges. Appellant claimed that the State's two-year delay in producing him should not be used against him.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying

appellant's motion. Appellant failed to demonstrate any clerical errors in the judgment of conviction.¹

Having reviewed the record on appeal, and for the reason set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Young, J.
Young
Rose, J.
Rose
Becker, J.
Becker

cc: Hon. John P. Davis, District Judge
Attorney General
Mineral County District Attorney
Timothy W. Joiner
Mineral County Clerk

¹See NRS 176.565 ("Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.").

²See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).