IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CALVIN LAMAR NICKO BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80519-COA

ORDER OF AFFIRMANCE AND REMANDING TO CORRECT JUDGMENT OF CONVICTION

Calvin Lamar Nicko Brown appeals from a judgment of conviction, entered pursuant to a guilty plea, of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Brown claims he should be allowed to withdraw his plea because running his sentence consecutive to his other case was fundamentally unfair. Brown did not challenge the validity of his guilty plea in the district court. "[A] post-conviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of the guilty plea made after sentencing for persons in custody on the conviction being challenged." *See Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014). Therefore, we decline to consider Brown's claim.

Brown also appears to claim the district court abused its discretion on the ground that his sentence is excessive because it was set to run consecutively to another case. It is within the district court's discretion

to impose consecutive sentences. *See* NRS 176.035(1); *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015); *see also Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence . . . ."). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

The consecutive sentences of 36 to 180 months and 24 to 60 months in prison are within the parameters provided by the relevant statutes, *see* NRS 200.380(2); NRS 193.165(1). Further, Brown failed to provide this court with a copy of the sentencing transcript; therefore, he failed to demonstrate the district court abused its discretion by imposing consecutive sentences between the cases. *Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) ("The burden to make a proper appellate record rests on appellant."); *see also* NRAP 30(b)(3).

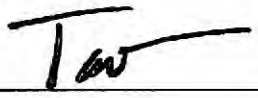
Finally, Brown argues that, because the district court stated the aggregate sentence was 36 to 180 months, he should get the benefit of that sentence and not have to serve time for the deadly weapon enhancement. Brown's sentences are comprised of the minimum and maximum terms imposed. *See* NRS 176.033(1)(b) (1995). The aggregated term is simply the sum of the maximum and minimum terms of the controlling consecutive sentences. *See* NRS 176.035(1), (2)(b). Therefore, we conclude Brown is not entitled to relief on this claim. However, because the judgment of conviction contains an internal discrepancy, we direct the

district court to amend the judgment of conviction to reflect an aggregated term of imprisonment of 60 to 240 months.

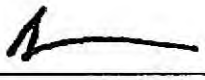
For the foregoing reasons, we

ORDER the judgment of conviction AFFIRMED AND REMAND this matter to the district court for the limited purpose of correcting the judgment of conviction.

_____, C.J.
Gibbons



_____, J.
Tao



_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Law Offices of Carl E.G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk