

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL OWEN PICKETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38910

FILED

NOV 21 2002

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying appellant's motion to amend judgment of conviction, or in the alternative, run sentences concurrently.

On September 18, 2000, the district court convicted appellant, pursuant to an Alford plea,¹ of four counts of driving and/or being in actual physical control while under the influence of intoxicating liquor resulting in death. The district court sentenced appellant to serve four consecutive terms of four to ten years in the Nevada State Prison. No direct appeal was taken.

On September 18, 2001, appellant filed a proper person motion to amend judgment of conviction, or in the alternative, to run sentences concurrently in the district court. The State opposed the

¹North Carolina v. Alford, 400 U.S. 25 (1970).

motion. On November 1, 2001, the district court denied appellant's motion. This appeal followed.

In his motion, appellant requested the district court modify his sentences so that he would be eligible for parole after serving eight years. Appellant claimed that his sentences should be modified so that he could offer financial assistance to the families of the victims and ease appellant's family's financial hardships. Appellant expressed remorse for causing the deaths of the victims and stated that he was taking advantage of various rehabilitative programs in prison.

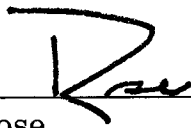
We conclude that the district court did not err in denying appellant's motion. Generally, the district court lacks jurisdiction to suspend or modify a defendant's sentence after the defendant begins to serve it.² An exception to this rule applies when the court has made a mistake in rendering a judgment that worked to the extreme detriment of the defendant, however, this exception only applies if the error concerned the defendant's criminal record.³ Appellant failed to establish that the district court made any mistake in sentencing appellant. Therefore, we affirm the order of the district court.

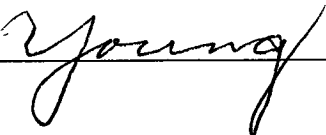
²Passanisi v. State, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992).

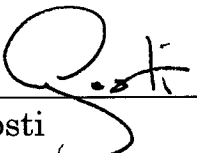
³Id. at 322-23, 831 P.2d at 1373-74; see also Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996);

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. Joseph T. Bonaventure, District Judge
Attorney General/Carson City
Clark County District Attorney
Michael Owen Pickett
Clark County Clerk

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).