

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUSTAVO ARIANDA CUMPLIDO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39349

FILED

FEB 05 2003

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

ORDER AFFIRMING IN PART AND REMANDING IN PART
TO CORRECT JUDGMENT OF CONVICTION

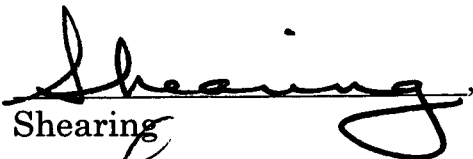
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of second degree murder with the use of a deadly weapon, one count of attempted murder with the use of a deadly weapon, and two counts of discharging a firearm out of a motor vehicle. The district court sentenced appellant: for murder, to two concurrent prison terms of 10 to 25 years, with equal and consecutive terms for the use of a deadly weapon; for attempted murder, to a concurrent prison term of 43 to 192 months, with an equal and consecutive term for the use of a deadly weapon; and for discharging a firearm out of a motor vehicle, to two prison terms of 35 to 156 months, one to run consecutively and one to run concurrently.


Appellant contends that the district court failed properly to instruct the jury regarding appellant's theory of self-defense. After reviewing the instructions given to the jury and those proffered by appellant, we conclude that the trial court did not err by refusing to give

the proffered instructions because those instructions were either adequately covered by other instructions or misstated the law.¹

This court notes, however, that the judgment of conviction states that appellant was convicted pursuant to a guilty plea when, in fact, he was convicted pursuant to a jury verdict. Accordingly, we affirm the judgment of conviction and remand this matter to the district court for the limited purpose of entering a corrected judgment of conviction.

It is so ORDERED.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Lee A. Gates, District Judge
David M. Schieck
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

¹See Barron v. State, 105 Nev. 767, 773, 783 P.2d 444, 448 (1989) (explaining that trial court need not give instruction offered by defense where that instruction misstates the law or is adequately covered by other instructions).