

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE WILGUS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40317

**FILED**

SEP 18 2003

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On November 20, 2001, the district court convicted appellant, pursuant to a guilty plea, of one count of grand larceny in district court case number CR01-2066. The district court sentenced appellant to serve a term of one hundred and twenty months in the Nevada State Prison with minimum parole eligibility after twenty-one months had been served. The district court imposed the sentence to run concurrently with the sentences imposed in district court case numbers CR01-1124 and CR01-1127.<sup>1</sup> No direct appeal was taken.

On March 14, 2002, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court.

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<sup>1</sup>On January 18, 2002, the district court entered an amended judgment of conviction correcting a typographical error in the first judgment of conviction.


Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On May 30, 2002, the district court denied appellant's petition. This appeal followed.


In his petition, appellant contended that the Nevada Department of Corrections was improperly structuring his sentences. Specifically, appellant claimed that the Nevada Department of Corrections improperly structured his sentences so that he would have to serve the sentences in district court case numbers CR01-1124 and CR01-1127 consecutively to one another when the judgment of conviction in district court case number CR01-2066 imposed the instant sentence concurrently to the sentences in his other district court cases.

Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. The record reveals that the sentences in district court case numbers CR01-1124 and CR01-1127 were imposed to run consecutively to one another. The fact that the district court imposed the sentence in the instant case to run concurrently to the sentences in his other district court cases did not alter the consecutive sentences in those cases. The Department of Corrections correctly determined that appellant must serve the sentence in district court case number CR01-2066 concurrently with these sentences.

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.<sup>2</sup> Accordingly, we  
ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Maupin

cc: Hon. Connie J. Steinheimer, District Judge  
Lawrence Wilgus  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>2</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).