

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN WAYNE CRAWLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41349

FILED

OCT 13 2003

ORDER OF AFFIRMANCE

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

This is an appeal from an amended judgment of conviction, pursuant to a guilty plea, of one count of conspiracy to commit robbery. Appellant was originally convicted of one count of conspiracy to commit robbery. The district court sentenced appellant to a prison term of 24 to 60 months, with credit for time served of 686 days. The judgment of conviction was entered on November 27, 2002.

On February 5, 2003, the State filed a motion to correct an illegal sentence. In the motion, the State related information from the Department of Corrections that at the time he committed the instant offense, appellant was on parole. Accordingly, the judgment of conviction should have specified that the sentence in the instant case was to run consecutive to the previous offense.¹ Additionally, appellant should not have received any credit on the subsequent offense for time served.² The district court entered an amended judgment of conviction on April 7, 2003, wherein it was specifically ordered that the sentence was to run

¹NRS 176.035(2).

²NRS 176.055(2)(b).

consecutively and appellant was to receive no credit for time served. This appeal followed.

Appellant contends that the district court erred by denying appellant's motion to suppress evidence that appellant was identified in a photographic lineup, and by denying appellant's motion to suppress evidence discovered during the execution of a search warrant.

This court has stated that an appellant may not raise challenges to events that preceded a guilty plea. "[A] guilty plea represents a break in the chain of events which has preceded it in the criminal process [A defendant] may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea."³ Moreover, appellant did not specifically reserve the right to appeal from the adverse determination of his pretrial suppression motions.⁴ We therefore conclude that appellant's claims were waived when he entered his plea.

Appellant also contends that the district court erred by vacating the credit for time served, or alternatively, that the district court should have modified appellant's sentence to lower the minimum.

Initially, we note that the district court may correct an illegal sentence at any time.⁵ As the State pointed out in its motion to correct, the original sentence in this case was per se illegal. There was no other, less severe means of correcting the illegality; therefore, the district court

³Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (quoting Tollett v. Henderson, 411 U.S. 258, 267 (1973)).


⁴See NRS 174.035(3).

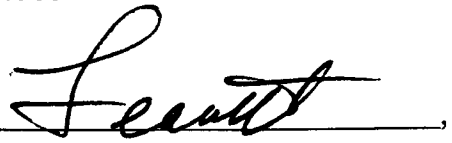
⁵NRS 176.555.


did not err by ordering that the sentence run consecutive to the previous sentence and vacating the credit for time served, in order to bring the sentence into compliance with the pertinent statutes.⁶ We therefore conclude that the district court did not err by correcting the sentence.

Having considered appellant's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Hon. Donald M. Mosley, District Judge
Bryan Wayne Crawley
Lizzie R. Hatcher
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁶See Miranda v. State, 114 Nev. 385, 387, 956 P.2d 1377, 1378 (1998).