

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIK V. WATSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42290

FILED

JUN 25 2004

ORDER AFFIRMING AND REMANDING TO

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

CORRECT JUDGMENT OF CONVICTION

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary while in possession of a firearm, six counts of robbery with the use of a deadly weapon, and one count of attempted robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.

Appellant contends that statements he made during interrogation should have been suppressed because his arrest was not supported by probable cause. We disagree.

Prior to appellant's arrest, police were contacted by the customer service manager of the bank where the robberies occurred. The manager informed them that she had observed appellant, who she believed had been committing the robberies, leaving the parking lot in a white car. Further, she supplied the license plate number and informed police that her husband was pursuing appellant. Police then called the husband on his cell phone, and based on information he provided, police joined the pursuit and arrived at a drug store where appellant had exited his car and entered the store. Appellant was motioned out of the store by a detective, and arrested. We conclude that appellant's arrest was

supported by probable cause, and the district court did not err by denying the motion to suppress.

Appellant also contends that the search of his car was illegal, and the evidence discovered in the car should have been suppressed. We disagree. Even assuming that there were not exigent circumstances sufficient to justify a warrantless search, appellant was arrested prior to the search, and his vehicle was about to be impounded. The evidence would have been discovered during an inventory search, and would have been admissible under the inevitable discovery exception to the warrant requirement.¹ Moreover, any error was harmless beyond a reasonable doubt, in light of the overwhelming evidence of appellant's guilt.²

Our review of the judgment of conviction, however, reveals two clerical errors. First, after listing the crimes with which appellant was charged, the judgment states, "the matter having been tried before a jury, and the Defendant being represented by counsel and having been found guilty of the crime(s) of Enter Charge(s) Found Guilty Of." The judgment of conviction should list the charges of which appellant was found guilty.³ Second, the sentence for Count VII provides a prison term of 2 to 5 years for attempted robbery, with a consecutive prison term of 4 to 10 years for the use of a deadly weapon. The term for the enhancement should be

¹See Camacho v. State, 119 Nev. ___, ___, 75 P.3d 370, 376 (2003).

²Alward v. State, 112 Nev. 141, 152-53, 912 P.2d 243, 251 (1996) ("Where error of constitutional proportions has been committed, a conviction of guilty may be allowed to stand if the error is determined to be harmless beyond a reasonable doubt.").


³See NRS 176.105(b).

equal to the term for attempted robbery.⁴ Therefore, we conclude that this matter must be remanded to the district court for the limited purpose of entering a corrected judgment of conviction. Accordingly, 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 as directed above.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. John S. McGroarty, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See NRS 193.165(1) (providing that an individual using a firearm in the commission of a crime "shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime.").