

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRANCE L. OLIVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59364

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a motion to correct error in the judgment of conviction.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.


In his motion filed on August 30, 2011, appellant claimed that the judgment of conviction should not have been amended to include lifetime supervision and sex offender registration because neither he nor his attorney was present for the amendment to the judgment of conviction. In light of the nature of relief sought, we conclude that appellant's motion was properly construed as a motion to correct an illegal sentence. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant failed to demonstrate that his sentence was facially illegal and that the

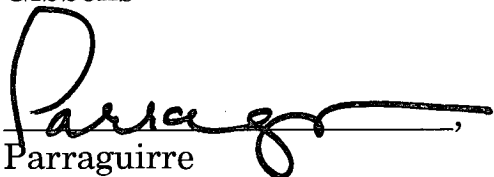
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

district court lacked jurisdiction.² See id. We therefore conclude that the district court did not err in denying appellant's motion.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. David B. Barker, District Judge
Terrance L. Oliver
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We note that appellant previously challenged the amended judgment of conviction in a petition for post-conviction relief construed to be a post-conviction petition for a writ of habeas corpus. Oliver v. State, Docket No. 55724 (Order of Affirmance, November 8, 2010). This court specifically determined that the judgment of conviction was properly amended to include lifetime supervision pursuant to NRS 176.0931. The inclusion of sex offender registration was likewise proper. See NRS 179D.097(1)(b),(q); NRS 179D.460.

³Appellant failed to demonstrate the amended judgment of conviction contained any clerical errors regarding the sentencing date which required correction. NRS 176.565.