

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH BOSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60366

FILED

DEC 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of carrying a concealed weapon and robbery. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

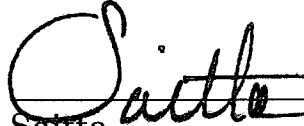
Appellant Ralph Boston contends that the district court erred by granting the State's motion to reconsider the sentence because the sentence was not based upon a materially untrue assumption or mistake of fact that worked to his extreme detriment. We disagree.

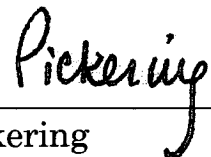
[A] district judge's pronouncement of judgment and sentence from the bench is not a final judgment and does not, without more, oust the district court of jurisdiction over the defendant. Only after a judgment of conviction is signed by the judge and entered by the clerk, as provided by NRS 176.105, does it become final and does the defendant begin to serve a sentence of imprisonment.


Miller v. Hayes, 95 Nev. 927, 929, 604 P.2d 117, 118 (1979) (internal quotation marks omitted). At the time the district court granted the State's motion for reconsideration, conducted a new sentencing hearing, and sentenced Boston to concurrent terms of imprisonment, no judgment of conviction had been signed by the judge or entered by the clerk.

Consequently, the district court still had jurisdiction over Boston and could reconsider its sentencing decision without a showing that the sentence was based upon a material untrue assumption or mistake of fact. Having concluded that the district court did not err by granting the State's motion to reconsider the sentence, we

ORDER the judgment of conviction AFFIRMED.


Salta, J.


Pickering, J.


Hardesty, J.

cc: Hon. Stefany Miley, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk