

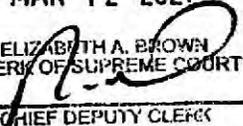
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER EDWIN KINDLER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80651-COA

FILED

MAR 12 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Edwin Kindler appeals from a corrected judgment of conviction. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Kindler argues the district court erred by finding the failure to include lifetime supervision in the original judgment of conviction was a clerical error and thus could be corrected at any time. Kindler also asserts the district court improperly entered the corrected judgment of conviction nunc pro tunc to the original judgment. Kindler did not object on these grounds to the district court's finding and action. Thus, he is not entitled to relief absent a demonstration of plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018); *see also Pantano v. State*, 122 Nev. 782, 795, 138 P.3d 477, 485 (2006) (explaining that the failure to make a specific objection before the district court waives an issue for appellate review). To demonstrate plain error, an appellant must show there was an

error, the error was plain or clear, and the error affected appellant's substantial rights. *Id.* at 50, 412 P.3d at 48.

At the hearing regarding this issue, the district court stated that imposition of the special sentence of lifetime supervision was statutorily required pursuant to NRS 176.0931(1) and the failure to include it in the original judgment of conviction was a "clerical oversight." As a result of the clerical oversight, the district court informed the parties it intended to correct the error and enter the corrected judgment nunc pro tunc to the original judgment. Kindler responded that he should not be subject to lifetime supervision because its imposition had not been requested by the Division of Parole and Probation. However, the district court reiterated it was required to impose lifetime supervision and concluded that the failure to include lifetime supervision in the original judgment was merely an oversight. The district court therefore ordered entry of a corrected judgment of conviction to correct the clerical mistake.

Based on the district court's conclusion that failure to include lifetime supervision in the original judgment of conviction was due to a clerical mistake, Kindler did not demonstrate entry of the corrected judgment of conviction was error plain from the record. *See* NRS 176.565 ("Clerical mistakes in judgments . . . may be corrected by the court at any time."). Moreover, lifetime supervision is statutorily required, and Kindler does not allege any prejudice related to entry of the corrected judgment of conviction nunc pro tunc to the original judgment. Kindler thus fails to

demonstrate the alleged error affected his substantial rights. Accordingly, Kindler is not entitled to relief, and we

ORDER the corrected judgment of conviction AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Connie J. Steinheimer, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>1</sup>Kindler also argues that his sentence was not illegal and therefore could not be corrected pursuant to NRS 176.555. However, the record demonstrates the district court did not find Kindler's sentence was illegal but rather found the failure to include lifetime supervision within the original judgment of conviction was merely a clerical mistake. Therefore, Kindler is not entitled to relief based upon this claim.