

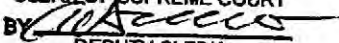
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER LENARD BLOCKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82860-COA

**FILED**

AUG 30 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE AND REMANDING TO CORRECT THE  
JUDGMENT OF CONVICTION*

Christopher Lenard Blockson appeals from a district court order denying a motion to correct illegal sentence and a motion to appoint counsel filed on March 25, 2021. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

In his motion, Blockson claimed his sentence of 19 to 48 months in prison was improper because the sentence exceeds the permissible sentence for misdemeanor animal cruelty. A sentence “at variance with the controlling sentencing statute” is illegal. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (quotation marks omitted). NRS 574.100(1)(a) prohibits cruelty to animals. A first-time violation of that section, without more, is a misdemeanor offense and subject to imprisonment for not more than six months. See NRS 574.100(7)(a)(1). However, if an offender “willfully and maliciously violates [NRS 574.100(1)(a)],” he “is guilty of a category D felony and shall be punished as provided in NRS 193.130.” NRS 574.100(6)(a). And a category D felony is subject to a sentence of imprisonment of “a minimum term of not less than 1 year and a maximum term of not more than 4 years.” NRS 193.130(2)(d).

In his motion, Blockson contended that, because his information, guilty plea agreement, and judgment of conviction refer only to section (1)(a) of NRS 574.100, he is entitled to be sentenced for a misdemeanor. While the documents mention only NRS 574.100(1)(a) in connection to that offense, the information and the guilty plea agreement described the offense as a category D felony, and the information further provides that Blockson committed the offense “willfully, unlawfully, maliciously, and feloniously.” The plea agreement reflects both parties stipulated to a sentence of 19 to 48 months in prison. And during the plea canvass, Blockson stated he understood the possible sentencing range to be that for the felony and that he committed the offense “willfully, unlawfully, maliciously, and feloniously.” Based on these facts, it is clear that Blockson pleaded guilty to, and was sentenced in accordance with, felony animal cruelty under NRS 574.100(6)(a). And because the district court imposed Blockson’s sentence in accordance with NRS 574.100(6)(a), Blockson did not demonstrate that his sentence was illegal. Therefore, we conclude the district court did not err by denying this claim.

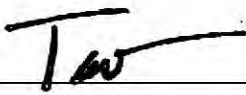
We note, however, that the judgment of conviction contains a clerical error. A judgment of conviction must include sentencing statutes. NRS 176.105(1)(c). Blockson’s judgment of conviction did not refer to either NRS 574.100(6)(a) or NRS 193.130(2)(d). However, a clerical error “may be corrected by the court at any time.” NRS 176.565. Accordingly, we direct the district court, upon remand, to enter an amended judgment of conviction that includes the proper sentencing statutes. We therefore remand this matter to the district court for the limited purpose of correcting the clerical error in the judgment of conviction.

Blockson also claimed that the State maliciously prosecuted him. This claim fell outside the narrow scope of claims permissible in a motion to modify or correct a sentence. *See Edwards*, 112 Nev. at 708, 918 P.2d at 324. Therefore, we conclude the district court did not err by denying this claim.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED AND REMAND this matter to the district court for the limited purpose of correcting the judgment of conviction.<sup>1</sup>

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

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

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

cc: Hon. Jerry A. Wiese, District Judge  
Christopher Lenard Blockson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We conclude the district court did not err by denying Blockson's motion for the appointment of counsel.