

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

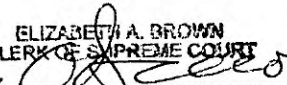
JESSE MICHAEL SIMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86249-COA

FILED

SEP 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY: 
No. 86250-COA

JESSE MICHAEL SIMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86253-COA

JESSE MICHAEL SIMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORDER OF AFFIRMANCE

Jesse Michael Simpson appeals from three judgments of conviction entered pursuant to guilty pleas. In district court case no. CR2207389 (Docket No. 86249), Simpson was convicted of burglary of a structure and unlawful possession for sale of a schedule I substance. In district court case no. CR2207390 (Docket No. 86250), Simpson was convicted of grand larceny. And in district court case no. CR2207391 (Docket No. 86253), Simpson was convicted of unlawful occupation of real property. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Simpson contends the district court abused its discretion when it amended his sentences after he began to serve them. He contends the district court erroneously relied on the “clerical mistake” exception to the rule that a sentence cannot be amended once the defendant has begun serving it. As a general rule, the district court lacks jurisdiction to modify a sentence after a defendant has begun serving it. *Staley v. State*, 106 Nev. 75, 79, 787 P.2d 396, 398 (1990), *overruled on other grounds by Hodges v. State*, 119 Nev. 479, 484, 78 P.3d 67, 70 (2003). A “defendant begins to serve a sentence when a judgment of conviction is signed by the judge and entered by the clerk.” *Id.* As Simpson acknowledges, the judgments of conviction had not yet been signed and entered when the district court announced it was imposing sentences different than those originally pronounced. Accordingly, we conclude the district court did not abuse its discretion by amending Simpson’s sentences prior to the entry of his judgments of conviction, and we

ORDER the judgments of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Michael Montero, District Judge
Humboldt County Alternate Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk