

1 {1} Defendant Michael Stevens appeals from the amended judgment, order and
2 commitment to the corrections department, following his plea agreement with the
3 State and his initial sentencing.

4 {2} This Court issued a calendar notice proposing to affirm Defendant's convictions
5 for larceny and receiving stolen property, reverse the district court's amended
6 judgment, and remand the case to the district court to resentence Defendant consistent
7 with the original written judgment. We also proposed to conclude that, to the extent
8 that Defendant raised an ineffective assistance of counsel claim because trial counsel
9 failed to preserve the aforementioned issues for appeal, Defendant could not
10 demonstrate prejudice because this Court addressed his issues on appeal.

11 {3} Defendant and the State filed separate responses in support of our notice.
12 Accordingly, for the reasons stated in our notice of proposed disposition, we affirm
13 Defendant's convictions for larceny and receiving stolen property, reverse the district
14 court's amended judgment, and remand the case to the district court to resentence
15 Defendant consistent with the original written judgment for imposition of a total of
16 six and one-half years of imprisonment, followed by parole.

17 {4} **IT IS SO ORDERED.**

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JAMES J. WECHSLER, Judge

1 **WE CONCUR:**

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3 **CYNTHIA A. FRY, Judge**

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5 **M. MONICA ZAMORA, Judge**