

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDD PRYOR, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45892

**FILED**

FEB 10 2006

JANE M. BLOOM  
CLERK OF SUPREME COURT  
*J. Bloom*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant Edd Pryor's "motion for reduction of sentence." Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On May 22, 2002, the district court convicted appellant, pursuant to a guilty plea, of two counts of statutory sexual seduction. The district court sentenced appellant to serve two concurrent terms of 24 to 60 months in the Nevada State Prison, suspended the sentence, and placed appellant on probation for a fixed period of five years, subject to specific conditions. On October 16, 2002, the district court entered an amended judgment of conviction, ordering appellant to serve 60 days in the Clark County Detention Center and reinstating him on probation. On July 22, 2003, the district court entered a second amended judgment of conviction, adding the condition of residential confinement to the terms of appellant's probation. Finally, on May 17, 2004, the district court entered an order revoking appellant's probation, executing the original sentence, and amending the judgment of conviction to include 234 days' credit.

On December 13, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the computation of jail-time credit for: (1) time he spent in a Mississippi jail awaiting extradition to Nevada; (2) time he spent in residential confinement; and (3) time he spent on probation. On February 25, 2005, the district court denied appellant's petition. This court reversed the district court's order in part and remanded the matter for a consideration of Pryor's claims regarding credit for time spent in the Mississippi jail awaiting extradition.<sup>1</sup> Thereafter, the district court granted appellant an additional 37 days' credit.

On June 10, 2005, appellant filed a motion for reduction of sentence. The State opposed the motion. Appellant supplemented his motion on July 25, 2005. The district court denied the motion on August 25, 2005. This appeal followed.

Because of the nature of the relief requested, we elect to construe appellant's motion as a motion to modify sentence. A motion to modify a sentence "is limited in scope to sentences based on mistaken assumptions about a defendant's criminal record which work to the defendant's extreme detriment."<sup>2</sup> A motion to modify a sentence that

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<sup>1</sup>Pryor v. State, Docket No. 44792 (Order of Affirmance in Part and Reversal and Remand in Part, June 8, 2005).

<sup>2</sup>Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

raises issues outside the very narrow scope of permissible issues may be summarily denied.<sup>3</sup>

Appellant claimed that the district court failed to rely on information regarding appellant's assistance to the State in the prosecution and conviction of the defendant in Kaczmarek v. State,<sup>4</sup> and that appellant should be rewarded for his assistance pursuant to NRS 212.050. NRS 212.050(1) grants authority to the Governor to offer a reward for information that leads to the apprehension of a prisoner who escapes or is charged with murder or any crime punishable with death. Appellant's claim that the district court should have "rewarded" him fell outside the scope of claims permissible in a motion to modify a sentence.<sup>5</sup> Appellant did not argue that the district court relied on inaccurate information with respect to his prior convictions. Thus, the district court did not err in denying this claim.

Appellant also contended that he should be credited for time that he spent on probation and residential arrest. This claim also fell outside the scope of claims permissible in a motion to modify a sentence. Additionally, these claims were previously raised and decided on the merits in appellant's appeal from the district court's denial of his petition

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<sup>3</sup>Id. at 708-09 n.2, 918 P.2d at 325 n.2.


<sup>4</sup>120 Nev. 314, 91 P.3d 16 (2004).

<sup>5</sup>Additionally, appellant's claim has no merit. NRS 212.050 grants authority to the Governor to offer a reward, not the district courts.

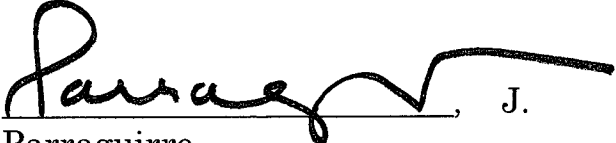
for writ of habeas corpus.<sup>6</sup> This court's resolution of those issues constitutes the law of the case and the issues cannot be relitigated.<sup>7</sup> Thus, we conclude that the district court did not err in denying these claims.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>8</sup>

ORDER the judgment of the district court AFFIRMED.<sup>9</sup>

 \_\_\_\_\_, J.  
Douglas

 \_\_\_\_\_, J.  
Becker

 \_\_\_\_\_, J.  
Parraguirre

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<sup>6</sup>See Pryor, *supra* note 1.

<sup>7</sup>See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).

<sup>8</sup>See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>9</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Honorable Jackie Glass, District Judge  
Edd Pryor Jr.  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk