

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL L. WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50727

FILED

APR 18 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for sentence modification. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

On December 8, 2003, the district court convicted appellant, pursuant to a jury verdict, of one count of conspiracy to commit robbery, one count of possession of a stolen vehicle, one count of burglary while in possession of a firearm, four counts of second degree kidnapping with the use of a deadly weapon, one count of robbery with the use of a deadly weapon, and one count of failure to stop on signal of a police officer. Subsequently, appellant entered a guilty plea to one count of robbery with the use of a deadly weapon. The district court entered an amended judgment of conviction, in which appellant was sentenced to serve a total of two consecutive terms of 72 to 180 months in the Nevada State Prison. This court affirmed the judgment of conviction on appeal.¹ Appellant

¹Williams v. State, Docket No. 43044 (Order of Affirmance, November 15, 2004).

unsuccessfully sought post-conviction relief by way of a post-conviction petition for a writ of habeas corpus.²

On October 31, 2007, appellant filed a proper person motion for sentence modification in the district court. The State opposed the motion. On November 27, 2007, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that the newly enacted amendments to NRS 193.165 should be applied to his sentence.³

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."⁴ A motion to modify a sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied.⁵

Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant's claim fell outside the scope of claims permissible in a motion for sentence modification. Appellant failed to demonstrate that the district court relied upon any mistake of fact about his criminal record that worked to his extreme detriment. Therefore, we affirm the order of the district court summarily denying the motion.

²Williams v. State, Docket No. 46507 (Order of Affirmance, August 8, 2006).

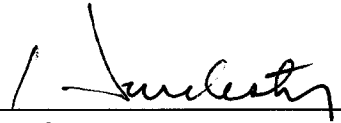
³2007 Nev. Stat., ch. 525, § 13, at 3188.

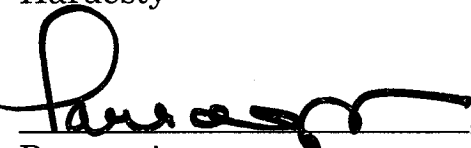
⁴Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

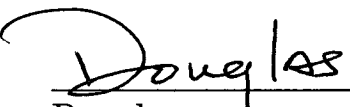
⁵Id. at 708-09 n.2, 918 P.2d at 325 n.2.

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.⁶ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁷


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Kenneth C. Cory, District Judge
Carl L. Williams
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

⁶See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁷We 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.