

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAMILLE CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50946

FILED

JUN 06 2008

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion to modify sentence. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

On September 8, 2005, the district court convicted appellant, pursuant to a jury verdict, of four counts of conspiracy to commit robbery (Counts 1, 4, 7, and 17), thirteen counts of robbery with the use of a deadly weapon (Counts 2, 3, 5, 6, 8-13, 15, 16, and 18), one count of attempted robbery with the use of a deadly weapon (Count 14), and four counts of burglary while in possession of a firearm (Counts 19-22). The district court sentenced appellant to serve a term in the Nevada State Prison of 24 to 60 months on each of the four conspiracy counts and to serve a term in the Nevada State Prison of 60 to 180 months for each count of robbery, with an equal and consecutive sentence for the use of a deadly weapon. The district court also sentenced appellant to a prison term of 36 to 90 months for attempted robbery and for each count of burglary. The district court ordered counts 1-6, 19 and 20 to run concurrently, counts 7-18, 21, and 22 to run concurrently, and the first group of convictions to run consecutively to the second group. This court affirmed appellant's

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judgment of conviction and sentence.¹ The remittitur issued on June 20, 2006.

On September 1, 2006, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On November 30, 2006, the district court denied appellant's petition. On appeal, this court affirmed the district court's denial of appellant's petition.²

On November 28, 2007, appellant filed a proper person motion for sentence modification in the district court. The State opposed the motion. On January 17, 2008, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that amendments to NRS 193.165 should apply retroactively, which would entitle appellant to a new sentencing hearing. In 2007, the legislature amended NRS 193.165 to reduce the term for a deadly weapon enhancement from an equal and consecutive term to a minimum term of not less than one year and a maximum term of not more than 20 years.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

¹Clark v State, Docket No. 46023 (Order of Affirmance, May 24, 2006).

²Clark v. State, Docket No. 48674 (Order of Affirmance, September 25, 2007).

³See 2007 Nev. Stat., ch. 525, § 13, at 3188-89.

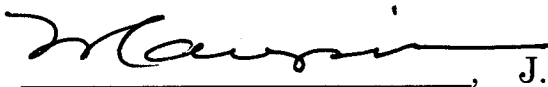
⁴Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied.⁵

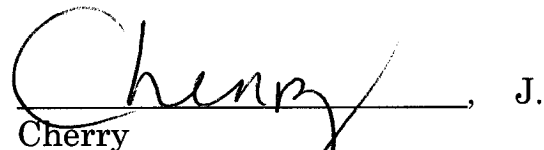
Our review of the record on appeal reveals that appellant's claim fell outside the narrow scope of claims permissible in a motion to modify a sentence. Appellant failed to demonstrate that the district court relied upon a mistaken assumption about his criminal record that worked to his extreme detriment.

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.

 J.

Maupin

 J.

Cherry

 J.

Saitta

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

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

cc: Hon. Valerie Adair, District Judge
Camille Clark
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk