

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD CURTIS WILLIAMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51519

**FILED**

SEP 15 2008

TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant's "motion for resentencing, modification for retroactive application of NRS 193.165." Eighth Judicial District Court, Clark County; David Wall, Judge.

On September 22, 2005, the district court convicted appellant, pursuant to a guilty plea, of two counts of attempted murder with the use of a deadly weapon, one count of mayhem with the use of a deadly weapon, and one count of child abuse and neglect with substantial bodily harm. The district court sentenced appellant to serve terms totaling approximately 31 years to 96 years in the Nevada State Prison. The term for child abuse and neglect was imposed to run concurrently with the consecutive terms for the attempted murder and mayhem counts. This court affirmed the judgment of conviction and sentence on direct appeal.<sup>1</sup> The remittitur issued on July 25, 2006.

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<sup>1</sup>Williams v. State, Docket No. 45904 (Order of Affirmance, June 29, 2006).

On March 28, 2008, appellant filed a “motion for resentencing, modification for retroactive application of NRS 193.165.” On April 17, 2008, the district court denied appellant’s motion. This appeal followed.

In his motion, appellant claimed that his convictions violated double jeopardy because all of the charges arose out of the same incident and that the amendments to NRS 193.165 should be applied retroactively.<sup>2</sup>

“[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>3</sup> A motion to modify a sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied.<sup>4</sup>

Our review of the record on appeal reveals that appellant’s claims fell outside the narrow scope of claims permissible in a motion to modify sentence. Appellant failed to demonstrate that the district court relied upon a mistaken assumption about his criminal record that worked to his extreme detriment. As a separate and independent ground for affirming the district court’s denial of appellant’s motion, we note that this court has concluded that the amendment to NRS 193.165 does not apply retroactively, but rather applies based on the date the offense was

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<sup>2</sup>At the time of appellant’s conviction, NRS 193.165 (deadly weapon enhancement) provided for an equal and consecutive sentence. In 2007, the legislature amended NRS 193.165, providing for a term of 1 to 20 years. 2007 Nev. Stat., ch. 525, § 13, at 3188-89.


<sup>3</sup>Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

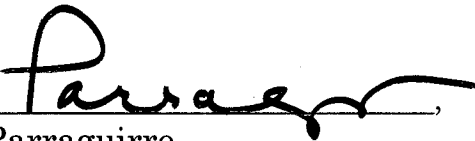
<sup>4</sup>Id. at 708-09 n.2, 918 P.2d at 325 n.2.

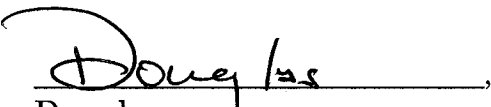
committed.<sup>5</sup> Therefore, the district court did not err in denying this motion.

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>6</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

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

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

cc: Hon. David Wall, District Judge  
Ronald Curtis Williams  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>5</sup>State v. Dist. Ct. (Pullin), 124 Nev. \_\_\_, 188 P.3d 1079 (2008).

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