

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONELL BRYANT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52731

FILED

MAR 30 2009

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; Douglas W. Herndon, Judge.

On March 8, 2001, the district court convicted appellant, pursuant to a guilty plea, of two counts of robbery and one count of possession of a firearm by an ex-felon. The district court sentenced appellant to serve two consecutive terms of 35 to 156 months and a concurrent term of 13 to 60 months in the Nevada State Prison. No direct appeal was taken. Appellant unsuccessfully sought post-conviction relief by way of a post-conviction petition for a writ of habeas corpus and a motion to correct an illegal sentence. Bryant v. State, Docket No. 45402 (Order of Affirmance, September 20, 2005); Bryant v. State, Docket No. 43269 (Order of Affirmance, February 3, 2005).

On September 9, 2008, appellant filed a proper person motion for sentence modification in the district court. The State opposed the motion. On October 16, 2008, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that he should not have been convicted of robbery as two of the victims reported to the author of the presentence investigation report that they had not suffered any financial losses.

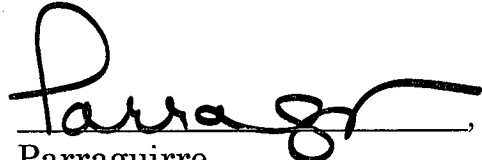
A motion to modify a sentence "is limited in scope to sentences based on mistaken assumptions about a defendant's criminal record which work to the defendant's extreme detriment." Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to modify a sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied. Id. at 708-09 n.2, 918 P.2d at 325 n.2.

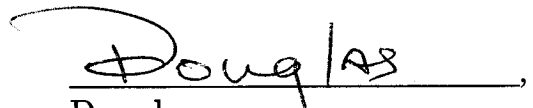
Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant failed to demonstrate that his sentence was based upon a mistaken assumption about his criminal record that worked to his extreme detriment. Appellant entered a guilty plea to two counts of robbery and may not challenge the validity of the guilty plea in a motion for sentence modification. Therefore, we affirm the order of the district court.

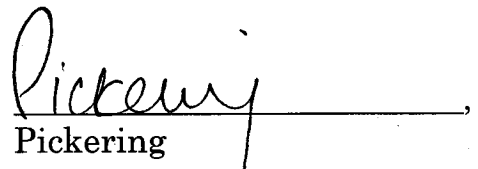
Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

briefing and oral argument are unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Douglas W. Herndon, District Judge
Donell Gerard Bryant
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk