

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH WINSTON REEKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53330

FILED

FEB 04 2010

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 appellant's motion to modify his sentence, or in the alternative, to correct an illegal sentence.¹ Third Judicial District Court, Churchill County; David A. Huff, Judge.


Appellant's claim that the district court failed to specify whether the sentence for Count II was to run consecutive or concurrent to Count I fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence or a motion to modify a sentence. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant's sentence was facially legal, and appellant failed to demonstrate that the district court was not a court of competent jurisdiction. Id.; see also NRS 176.035(1) (providing that the district court may, but is not required, to specify whether a sentence is to run concurrently or consecutively).


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Appellant also failed to identify any mistaken assumptions about his criminal record which worked to his extreme detriment. Edwards, 112 Nev. at 708, 918 P.2d at 324. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. David A. Huff, District Judge
Joe Winston Reeks
Attorney General/Carson City
Churchill County District Attorney
Churchill County Clerk