IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES LEE LIKE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53525

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; Michelle Leavitt, Judge.

On August 19, 2005, the district court convicted appellant, pursuant to a jury verdict, of grand larceny auto. The district court adjudicated appellant a habitual criminal and sentenced appellant to serve a term of life without the possibility of parole. This court affirmed the judgment of conviction and sentence on appeal. Like v. State, Docket No. 45972 (Order of Affirmance, April 6, 2007). The remittitur issued on May 5, 2007.[1]

On February 23, 2009, appellant filed a proper person motion for modification of sentence in the district court. The State opposed the

[1]We note that the 2005 judgment of conviction was filed after appellant was granted a new sentencing hearing as the result of federal court proceedings. The original judgment of conviction was filed on March 17, 1997.

motion. On March 25, 2009, the district court denied the motion. This appeal followed.

In his motion, appellant claimed: (1) his prior convictions arose from the same act or occurrence; (2) the district court failed to state specific reasons for adjudicating him as a habitual criminal; (3) the district court did not exercise its discretion; (4) the district attorney made improper comments at the sentencing hearing; (5) his trial counsel failed to conduct pretrial investigation; (6) the district court was biased; (7) the district court considered a charge that was not filed for his first sentencing hearing; (8) he should be sentenced as a nonviolent criminal; (9) there were not enough qualifying prior felonies for adjudication as a habitual criminal; (10) there were errors in his Presentence Investigation Report concerning his criminal history; and (11) the State should have refiled the notice of intent to seek treatment as a habitual criminal before the second sentencing hearing.

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 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 appellant's motion. Appellant failed to establish that the district court relied on any alleged errors to his extreme detriment. While appellant highlighted the alleged errors on the PSI report, appellant failed to submit copies of his previous convictions indicating that the PSI report was incorrect. See Hargrove v. State, 100

Nev. 498, 502, 686 P.2d 222, 225 (1984) (holding that "bare" or "naked" claims are insufficient to grant relief). Therefore, we conclude that the district court did not err in denying the 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. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.[2]

_____, C.J.
Parraguirre

_____, J.
Hardesty

_____, J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
James Lee Like
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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[2]We 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.