

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEROME HULL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53612

**FILED**

NOV 04 2009

ORDER OF AFFIRMANCE

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

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; Kenneth C. Cory, Judge.

On December 28, 2004, the district court convicted appellant, pursuant to a guilty plea, of two counts of attempted lewdness with a child under 14 and one count of resisting a public officer. The district court sentenced appellant to serve two consecutive terms of 30 to 120 months in the Nevada State Prison and a concurrent term of 12 to 30 months. The district court further imposed the special sentence of lifetime supervision. No direct appeal was taken.

On February 12, 2009, appellant filed a proper person motion for sentence modification in the district court. The State opposed the motion. On October 1, 2009, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that he was overcharged and sentenced too harshly—he should only have been convicted of open or

gross lewdness and that there was no such offense as attempted lewdness. Appellant further claimed that the State breached the plea agreement because dropped charges were considered at sentencing. Finally, appellant claimed that his trial counsel was ineffective at sentencing. Appellant sought a probationary term or a term equal to the credit earned and reversal of the special sentence of lifetime supervision.


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.

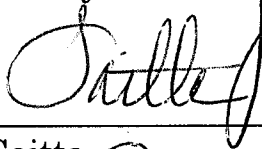
Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant failed to demonstrate that the district court made a material mistake about his criminal record that worked to his extreme detriment. Appellant entered a guilty plea to two counts of attempted lewdness, and appellant may not challenge the validity of the guilty plea in a motion for sentence modification. The special sentence of lifetime supervision was required for the offense of attempted lewdness with a child under the age of 14 years. NRS 176.0931(5)(c)(1), (2) (requiring lifetime supervision for a violation of NRS 201.230 (lewdness on a child under the age of 14 years) or an attempt to commit the enumerated offense). Therefore, we affirm the order of the district court denying the motion.

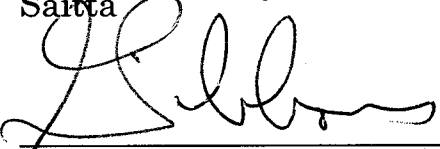
Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

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

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Kenneth C. Cory, District Judge  
Jerome Hull  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk