

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM LEE ENGLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53645

FILED

OCT 13 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Sharp*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for sentence modification, or alternatively, motion for amended judgment of conviction. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

On November 17, 1987, the district court convicted appellant, pursuant to a jury verdict, of one count of battery with the intent to commit a crime, one count of lewdness with a minor, and seven counts of sexual assault in district court case number C077561. The district court sentenced appellant to serve a term of 10 years for the battery count, a consecutive term of 10 years for the lewdness count, and two consecutive terms of life with the possibility of parole and five concurrent terms of life with the possibility for the sexual assault counts. This court dismissed the appeal from the judgment of conviction and sentence. England v. State, Docket No. 18825 (Order Dismissing Appeal, December 27, 1988). Appellant unsuccessfully sought post-conviction relief by way of a petition for post-conviction relief and a motion to vacate or modify sentence. England v. State, Docket No. 21652 (Order Dismissing Appeal, March 6,

1991); England v. State, Docket No. 50178 (Order of Affirmance, March 5, 2008).

On February 2, 2009, appellant filed a proper person motion for sentence modification, or alternatively, motion for amended judgment of conviction. The State opposed the motion. On March 24, 2009, the district court denied appellant's motion. This appeal followed.

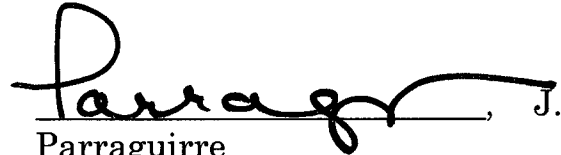
In his motion, appellant claimed that the Parole Board made a mistake about his criminal case number. Appellant claimed that the Parole Board listed his criminal case number as C077651, when in actuality it is C077561. This error, appellant alleged, led the Parole Board to believe that he was released and reoffended, which led to him being denied parole. Appellant sought to have the consecutive life sentences modified to concurrent sentences and an amended judgment of conviction entered reflecting this change.

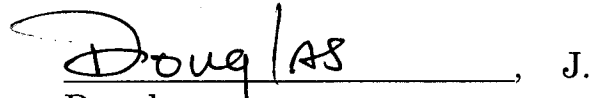
A motion to modify a sentence "is limited in scope to sentences based on mistaken assumptions about a defendant's criminal record which work to the defendant's extreme detriment." Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to modify a sentence that raises issues outside the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

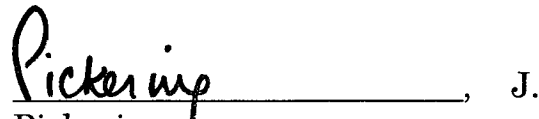
Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant failed to demonstrate that the district court made any material mistakes regarding his criminal record which worked to appellant's extreme detriment. A motion for sentence modification is not the appropriate vehicle for challenging actions or errors made by the Parole Board. 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.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Jennifer Togliatti, District Judge
William Lee England
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk