

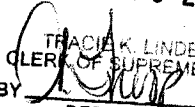
IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CATO SELLS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54064

FILED

MAR 10 2010

TRACIA K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying the May 27, 2009, motion to modify or correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

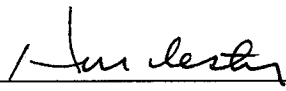
Appellant failed to demonstrate that the district court relied upon any mistake about his criminal record that worked to his extreme detriment. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant made only bare and unsupported claims that information about his criminal history was incorrect. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Moreover, appellant failed to establish that the district court relied on the alleged errors in his criminal history when sentencing appellant. Appellant's remaining claims fell outside of the scope of a motion to modify sentence. Edwards, 112 Nev. at 708-09 n.2, 918 P.2d at 325 n.2.


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 Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

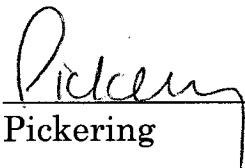
In addition, appellant's sentence was facially legal. 1989 Nev. Stat., ch. 568, § 1, at 1207 (codified as NRS 205.060); 1979 Nev. Stat., ch. 655, § 84, at 1445 (codified as NRS 205.273); NRS 205.080; 1985 Nev. Stat., ch. 366, § 2, at 1026-27 and ch. 544, § 1, at 1643-44 (codified as NRS 207.010). There is nothing in the record indicating that the district court was without jurisdiction to impose a sentence in this case. Edwards, 112 Nev. at 708, 918 P.2d at 324. All of appellant's claims fell outside of the scope of a motion to correct an illegal sentence. Id. at 708-09 n.2, 918 P.2d at 325 n.2.

Having considered appellant's contentions and concluding that they are without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Stefany Miley, District Judge
William Cato Sells Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk