

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL RIVEROL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54118

FILED

APR 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from orders of the district court denying an April 29, 2009 motion to modify and/or correct illegal sentence and a May 20, 2009 motion to modify and/or correct illegal sentence.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, 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's remaining claims fell outside of the scope of a motion to modify sentence. Id. at 708-09 n.2, 918 P.2d at 325 n.2.

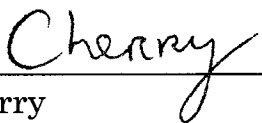
In addition, appellant's sentence was facially legal. NRS 205.060; NRS 207.010. There is nothing in the record indicating that the district court was without jurisdiction to impose a sentence in this case. Edwards, 112 Nev. at 708, 918 P.2d at 324. All of appellant's claims fell

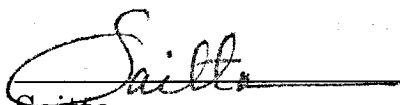
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Joel Riverol
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk