

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIMMIE DERELL COOPER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54206

FILED

JAN 08 2010

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to modify an illegal sentence. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Appellant's claim fell outside the scope of a motion to correct or modify a sentence. Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996). Appellant failed to demonstrate that his sentence was based on a mistaken assumption about his criminal record which worked to his extreme detriment, that his sentence was facially illegal, or that the district court was not a competent court of jurisdiction. Id. at 708, 918 P.2d at 324. The record on appeal belies appellant's claim that the district court was not provided with copies of the prior convictions at the time of sentencing; a memorandum containing proof of the prior convictions was filed in the district court prior to sentencing. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

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.  
Parraguirre

*Douglas*, J.  
Douglas

*Pickering*, J.  
Pickering

cc: Eighth Judicial District Court Dept. 8, District Judge  
Jimmie Derell Cooper  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk