

IN THE SUPREME COURT OF THE STATE OF NEVADA

SERGIO HERNANDEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54530

FILED

MAR 11 2010

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

ORDER OF AFFIRMANCE

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

In a motion to correct an illegal sentence filed on August 18, 2009, appellant claimed that the district court lacked jurisdiction because the original charges, sexual assault and lewdness, were redundant and the overcharging induced his guilty plea. In a motion to modify sentence filed on August 20, 2009, appellant also raised claims relating to the alleged impropriety of redundant charges in the original charging documents.

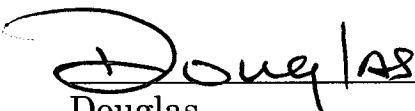
Based upon our review of the record on appeal, we conclude that the district court did not err in denying the motions. Appellant's claims fell outside the scope of claims of both a motion to correct an illegal sentence and a motion to modify sentence, and appellant may not challenge the validity of his decision to enter a guilty plea in either


motion. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Accordingly, we

ORDER the judgments of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Kathy A. Hardcastle, District Judge
Sergio Hernandez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk