

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH GALLONI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54677

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Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54678

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying a motion to correct or modify sentence filed in district court cases C231688 and C230538. Eighth Judicial District Court, Clark County; Doug Smith, Elissa Cadish, Judges. We elect to consolidate these appeals for disposition.¹ NRAP 3(b).

In his motion filed in each case on August 20, 2009, appellant claimed that there was not a sufficient number of qualifying prior convictions to adjudicate him a habitual offender, he did not understand the plea negotiations, the presentence investigation report contained

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

errors (namely the number of prior incarcerations), he was not allowed to speak at sentencing, and the district court should have conducted further hearings on the habitual offender proceedings.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying the motions. Appellant's sentences were facially legal, and appellant failed to demonstrate that the district court was not a competent court of jurisdiction. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996); see also NRS 207.012; Rezin v. State, 95 Nev. 461, 462, 596 P.2d 226, 227 (1979). Appellant further failed to demonstrate that the district court relied upon any mistakes about appellant's criminal record that worked to his extreme detriment. Edwards, 112 Nev. at 708, 918 P.2d at 324. Appellant may not challenge the validity of the guilty plea in either a motion to correct or a motion to modify sentence. Accordingly, we

ORDER the judgments of the district court AFFIRMED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Doug Smith, District Judge
Hon. Elissa Cadish, District Judge
Joseph Galloni
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk