

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONALD KING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54733

FILED

JUL 15 2010

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

ORDER OF AFFIRMANCE

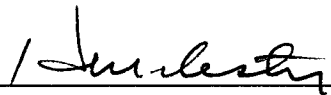
This is a proper person appeal from an order of the district court denying a motion to modify and correct sentence.¹ Eighth Judicial District Court, Clark County; James A. Brennan, Judge.

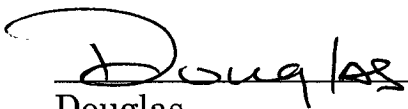
In his motion filed on August 13, 2009, appellant claimed that his sentence should be modified because he was intoxicated and using drugs when he committed the crimes but adjusted well to incarceration and participated in various programs. Appellant further claimed that the firearm in question was an inoperable pellet gun and that the district court relied on mistakes in the presentence report regarding his criminal history. We conclude that the district court did not err in denying the motion. Appellant's sentence was 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


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).

(1996); NRS 205.060(4); NRS 200.380(2). Appellant failed to demonstrate that the district court relied upon any mistake of fact about his criminal record that worked to his extreme detriment. Edwards, 112 Nev. at 708, 918 P.2d at 324. Therefore, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Chief Judge, Eighth Judicial District
Hon. James A. Brennan, Senior Judge
Donald King
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²To the extent that appellant attempted to appeal the denial of his motion for reconsideration, the denial of that motion was not appealable. Phelps v. State, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995).