

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY DWAYNE PALMER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54976

FILED

APR 08 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 appellant's September 17, 2009, motion to modify and/or correct illegal sentence.¹ Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

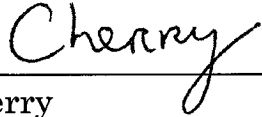
Appellant failed to demonstrate that the district court relied upon any mistake about his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). We note that appellant did not demonstrate any errors in his criminal record as the criminal history in appellant's presentence investigation report accurately reflected the criminal history provided by appellant. We therefore conclude that the district court did not err in denying appellant's motion.

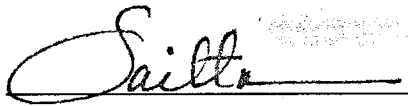
In addition, appellant's claim was outside the scope of a motion to correct an illegal sentence: It was facially legal, see NRS


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).

453.3385(3), and there is nothing in the record indicating that the district court was without jurisdiction to impose a sentence in this case. See Edwards, 112 Nev. at 708, 918 P.2d at 324. We therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Steven P. Elliott, District Judge
Anthony Dwayne Palmer
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

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.