

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN JOSEPH RAGLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55019

FILED

JUN 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Moor
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion for correction of an illegal sentence.¹ Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

In his motion, filed on November 17, 2009, appellant claimed that the district court relied on false information regarding his criminal history when it sentenced him. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Appellant also claimed that his sentence exceeded that allowed by NRS 175.291, which he interpreted as requiring accomplices to

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).

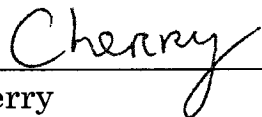
Because of the claims raised, appellant's motion was more properly construed as a motion to modify or to correct an illegal sentence.

receive comparable sentences. Appellant's claim was without merit as his sentence was within the statutory limits set forth in NRS 200.280, NRS 193.165, and NRS 200.481, and nothing in the record indicates that the sentencing court lacked jurisdiction to impose a sentence in this case. See Edwards, 112 Nev. at 708, 918 P.2d at 324 (1996).

Finally, appellant claimed that his conviction was redundant and placed him in double jeopardy and that the deadly weapon enhancement to the mayhem count was improper. These claims fell outside the scope of claims permissible in either a motion to modify a sentence or in a motion to correct an illegal sentence. See id.

For the foregoing reasons, we 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

²Although the district court incorrectly reached the merits of the motion, we affirm its denial for the reasons discussed above. See Kraemer v. Kraemer, 79 Nev. 287, 291, 382 P.2d 394, 396 (1963).

cc: Hon. Brent T. Adams, District Judge
Brian Joseph Ragland
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk