

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS J. BALBONI, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55158

**FILED**

DEC 09 2010

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's September 15, 2008, motion to vacate sentence and affidavit in support thereof.<sup>1</sup> Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

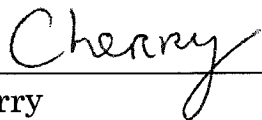
The record on appeal supports the decision of the district court to deny relief. To the extent that appellant sought to modify or correct an illegal sentence, appellant's claims fell outside the very narrow scope of claims permissible in those motions. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To the extent that appellant sought to challenge

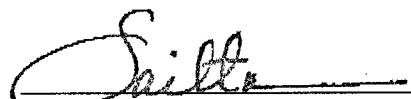
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

the validity of his judgment of conviction, his claims must be raised in a post-conviction petition for a writ of habeas corpus.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Steven P. Elliott, District Judge  
Thomas J. Balboni, Jr.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>We express no opinion as to whether appellant could meet the procedural requirements of NRS chapter 34.

<sup>3</sup>We 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.