

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCIS JAMES JOHNSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55174

**FILED**

JUN 09 2010

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to modify or correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

In his motion filed on November 16, 2009, appellant claimed that his sentence should have “maxed” out at five to life for each count and not ten to life. Appellant failed to demonstrate that the district court relied upon a mistaken assumption about his criminal record that worked to his extreme detriment and failed to demonstrate that his sentence was illegal (that the minimum term for parole eligibility on each term was greater than five years). Edwards v. State, 112 Nev. 704, 708, 918 P.2d

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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).

321, 324 (1996); see also 1991 Nev. Stat., ch. 250, § 1, at 612-13.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. James M. Bixler, District Judge  
Francis James Johnson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</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.