

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVIN HILL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55262

FILED

JUN 10 2010

TACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

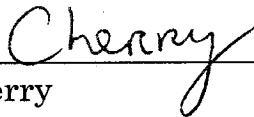
This is a proper person appeal from an order of the district court denying appellant's motion to modify and/or correct illegal sentence.¹ Eighth Judicial District Court, Clark County; James M. Bixler, Judge.


In his motion, filed on November 9, 2009, appellant claimed he was ineligible for the deadly weapon enhancement because his weapon was only a toy. 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). Further, appellant's claim was outside the scope of a motion to correct an illegal sentence as the sentence was facially legal, see NRS 200.310, NRS 200.320, NRS 205.060, 1995 Nev. Stat., ch. 455, § 1, at 1431, and there is nothing in the record indicating that the district court was without jurisdiction to impose a sentence in this case. See Edwards,


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 Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

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