

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN TYRONE RUFFIN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55606

**FILED**

SEP 29 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 a motion to correct an illegal sentence, or alternatively, a motion to modify sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

In his motion filed on January 27, 2010, appellant claimed that the sentence was illegal because he was not first sentenced on the substantive offense prior to habitual criminal adjudication, and because a new presentence investigation report had not been prepared for his resentencing hearing.

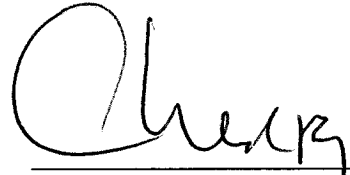
Appellant's claims fell outside the scope of claims permissible in a motion to correct or modify sentence. Appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324


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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).

(1996). Appellant further failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See id. 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  
Eighth District Court Clerk  
Kevin Tyrone Ruffin  
Attorney General/Carson City  
Clark County District Attorney