

IN THE SUPREME COURT OF THE STATE OF NEVADA

DULCE OREA GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55831

FILED

SEP 29 2010

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

ORDER OF AFFIRMANCE


This is an appeal from a district court order denying appellant Dulce Orea Garcia's motion to vacate or modify her sentence. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

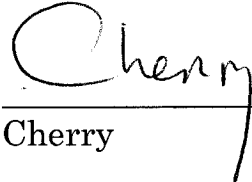
Garcia contends that the district court erred by denying her motion to vacate or modify her sentence because her sentencing judge, in 2005, was not provided with the necessary information regarding the consequences of an aggravated felony conviction and, as a result, she is unable to apply for naturalization and subject to removal. See 8 USC §§ 1101(a)(43)(F) and 1227(a)(2)(A)(iii) (Immigration & Nationality Act). Garcia has failed to demonstrate that the district court relied on mistaken assumptions about her criminal record that worked to her extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Further, Garcia's claim fell outside the narrow scope of claims permissible in a motion to modify a sentence.¹ See id. at 708 & n.2, 918

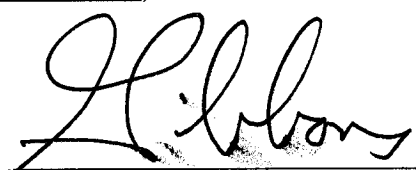
¹Additionally, Garcia failed to demonstrate that the district court denied her motion based on a lack of jurisdiction.

P.2d at 324 & n.2. Therefore, we conclude that the district court did not abuse its discretion by denying Garcia's motion to modify her sentence, and we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Saitta


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. James M. Bixler, District Judge
Eighth District Court Clerk
Attorney General/Carson City
Clark County District Attorney
Law Offices of Reza Athari

²Although we filed the fast track statement and appendix submitted by Garcia, they fail to comply with the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2)(C); NRAP 30(c)(1); NRAP 32(a) & (b). The fast track statement is single-spaced, and the appendix is not paginated sequentially and does not include an alphabetical index. Counsel for Garcia is cautioned that the failure to comply with the briefing and appendix requirements may result in them being returned, unfiled, to be correctly prepared, NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).