

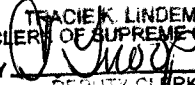
IN THE SUPREME COURT OF THE STATE OF NEVADA

WES BARBER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56074

**FILED**

NOV 08 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for modification of sentence.<sup>1</sup> Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

In his motion, filed on March 22, 2010, appellant claimed that the Presentence Investigation Report contained an inaccurate number of previous arrests and that his due process rights were violated prior to his guilty plea. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To the extent that appellant claimed that his sentence was illegal, his claims were outside the scope of a motion to correct an illegal sentence as the sentence was facially legal, see 2003 Nev. Stat., ch. 421, § 4, at 2559; 2003 Nev. Stat., ch. 492, § 22, at 3245, and appellant

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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).

failed to demonstrate that the district court was without jurisdiction. See Edwards, 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.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Michael P. Gibbons, District Judge  
Douglas County Clerk  
Wes Barber  
Attorney General/Carson City  
Douglas County District Attorney/Minden