

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDYS A. MARTINEZ A/K/A FREDDY
A. MARTINEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56153

FILED

NOV 12 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 vacate."¹ Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

The record on appeal supports the decision of the district court to deny relief. To the extent that appellant sought to modify or correct an illegal sentence, appellant's claims fell outside the very narrow scope of claims permissible in those motions. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To the extent that appellant sought to challenge

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

the validity of his judgment of conviction, his claims must be raised in a post-conviction petition for a writ of habeas corpus.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Donald M. Mosley, District Judge
Freddy A. Martinez a/k/a Fredys A. Martinez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We express no opinion as to whether appellant could meet the procedural requirements of NRS chapter 34.

³We 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.