

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES KELLY CHAVEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56398

FILED

DEC 09 2010

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

ORDER OF AFFIRMANCE

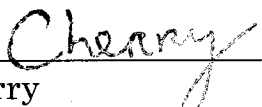
This is a proper person appeal from an order of the district court denying a “motion to correct judgment/ clerical mistake/ modification of judgment/ sentence and estoppel.”¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

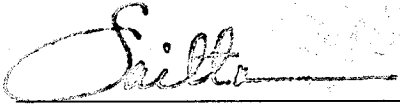
In his motion, filed on April 1, 2010, appellant claimed that his judgment of conviction should be modified or corrected because of a change in the law regarding conflicts of interests, the judgment of conviction does not correctly cite to the statutes he was convicted under, and the judgment of conviction does not reflect the correct days of credit for time served. 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). Appellant failed to demonstrate that his sentence


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).

was facially illegal and that the district court lacked jurisdiction. See id. Further, we note that the judgment of conviction correctly cites the statutes under which appellant was convicted and reflects credit for time served.² 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. Elissa F. Cadish, District Judge
Charles Kelly Chavez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Any challenge to presentence credits should be raised in a post-conviction petition for a writ of habeas corpus. NRS 34.724(2)(b); Griffin v. State, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.