

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDRE SHERMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56494

FILED

FEB 18 2011

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 modify/motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.

In his motion, filed on June 17, 2010, appellant claimed that the State failed to comply with the guilty plea agreement. This claim is not cognizable in a motion to modify or a motion to correct an illegal sentence. 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 also failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction to impose

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 sentence. See id. Therefore, we conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Doug Smith, District Judge
Andre Sherman
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk