

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY PETTERSON,
Appellant,
vs.
THE STATE OF NEVADA AND
ROBERT LEGRAND, WARDEN,
Respondents.

No. 56621

FILED

JAN 13 2011

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 to modify sentence and motion to correct an illegal sentence.¹ Third Judicial District Court, Lyon County; William Rogers, Judge.

In his motion to modify filed on May 3, 2010, appellant claimed that his sentence was based on misinformation, particularly mistakes in the presentence investigation report. Appellant failed to

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).


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). The district court did not mention any of the alleged mistakes in sentencing appellant. Rather, the record indicates the district court relied on appellant's prior sex-offense conviction and the facts of the crime in the instant case involving a five-year-old victim. Therefore, we conclude that the district court did not err in denying this motion.

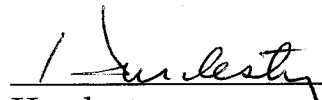
In his motion to correct an illegal sentence filed on April 23, 2010, appellant challenged the amendment of the judgment of conviction to include the special sentence of lifetime supervision. Appellant failed to demonstrate that his sentence was facially illegal or that the district court was without jurisdiction in this case. Id. The district court may correct a judgment of conviction at any time to correct an illegal sentence. NRS 176.555. The imposition of lifetime supervision is mandatory when an individual is convicted of the crime of attempted lewdness with a child under the age of fourteen years. NRS 176.0931. To the extent that appellant challenged the voluntary and knowing nature of his guilty plea, such a challenge may not be raised in a motion to correct an illegal sentence. Edwards, 112 Nev. at 708, 918 P.2d at 324. Therefore, we

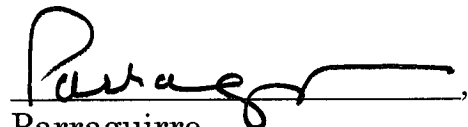
conclude that the district court did not err in denying this motion.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

 _____, J.
Saitta

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Hon. William Rogers, District Judge
Gary Petterson
Attorney General/Carson City
Lyon County District Attorney
Lyon County Clerk

²We 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.