

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TROY LINTON A/K/A MIKE
LINTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56662

FILED

MAR 17 2011

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


ORDER OF AFFIRMANCE

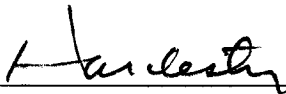
This is an appeal from a district court order denying appellant Michael Troy Linton's motion to modify and/or correct an illegal sentence. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

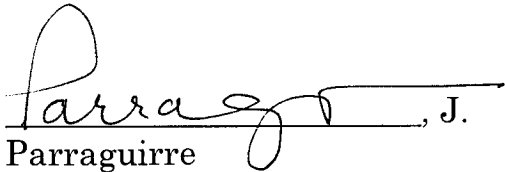
Linton contends that the district court erred by enhancing his DUI conviction to a felony because the State presented insufficient evidence of his two prior misdemeanor convictions at the sentencing hearing. Linton's claim falls outside the narrow scope of claims permissible in a motion to modify and/or correct an illegal sentence, see Edwards v. State, 112 Nev. 704, 708-09 & n.2, 918 P.2d 321, 324-25 & n.2 (1996), and he has failed to demonstrate that the district court either relied on mistaken assumptions about his criminal record that worked to his extreme detriment, was without jurisdiction to impose a sentence, or imposed a sentence in excess of the statutory maximum, see id. at 708, 918 P.2d at 324. Therefore, we conclude that the district court did not err by

denying Linton's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Kenneth C. Cory, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk