

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES GOODALL A/K/A JAMES O.
GOODALL, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56752

FILED

FEB 14 2011

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Hury*
DEPUTY CLERK

ORDER OF AFFIRMANCE

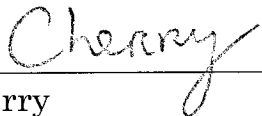
This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence or, alternatively, a motion for sentence modification.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

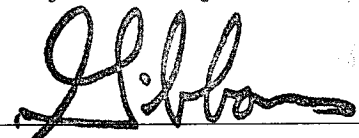
In his motion filed on July 12, 2010, appellant claimed that his sentence was illegal because he was not first sentenced on the substantive offense of burglary before he was adjudicated and sentenced as a habitual criminal. Appellant further claimed that his sentence should be modified because of the district court's failure to sentence him on the substantive offense first. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant further


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).

failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See id. 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.
Gibbons


_____, J.
Pickering

cc: Hon. Valerie Adair, District Judge
James Goodall, a/k/a James O. Goodall, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk