

IN THE SUPREME COURT OF THE STATE OF NEVADA

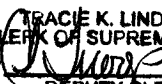
ROBERT MCGUIRE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56765

FILED

MAR 18 2011

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a “motion to vacate illegal conviction.”¹ Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.


In his motion filed on June 22, 2010, appellant claimed that his conviction was illegal because his crimes were not public offenses as he committed them while incarcerated. Given the nature of the relief sought, we conclude that the district court correctly construed the motion as a motion to correct an illegal sentence.² Appellant’s sentence was facially legal, NRS 200.481(2)(g)(1); NRS 212.185, and appellant failed to demonstrate that the district court lacked jurisdiction. See Edwards v.

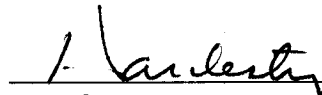
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

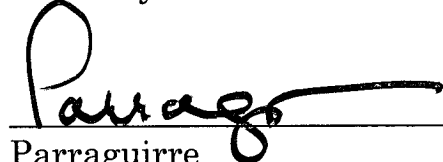
²The district court also considered the motion as a motion to arrest judgment and denied it as untimely because it was not filed within seven days after determination of guilt as required by NRS 176.525. We conclude that the district court did not err in denying the motion.

State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). 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.³


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Dan L. Papez, District Judge
Attorney General/Ely
White Pine County Clerk
Robert P. McGuire

³We 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.