


IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK W. MANIBUSAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56993

**FILED**

**MAR 17 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 for specific performance of the agreement on the plea and amended judgment of conviction.”<sup>1</sup> Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

In his motion, filed on September 2, 2010, appellant claimed that the State and trial counsel violated his plea agreement when he was sentenced to eight to twenty years in prison. Appellant claimed that he pleaded guilty based on statements in the plea agreement that he would be sentenced to only two to twenty years in prison. Appellant requested that the judgment of conviction be amended to reflect a sentence of two to twenty years.


Based upon the nature of relief sought, this court construes this motion to be a motion to modify or correct an illegal sentence.

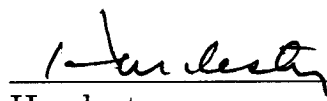
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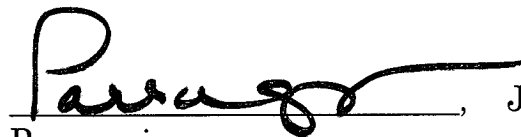
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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 failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See id. Further, as a separate and independent ground to deny relief, appellant's claim lacks merit. In the guilty plea agreement appellant stipulated to a sentence of eight to twenty years in prison, and therefore, failed to demonstrate that the plea agreement was breached. Thus, we conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Donald M. Mosley, District Judge  
Mark W. Manibusan  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk