

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID E. DUDO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57664

FILED

JUN 08 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingersoll*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to correct or modify sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

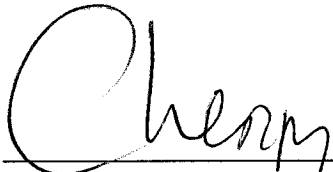
In his motion filed on December 8, 2010, appellant claimed that the district attorney misstated facts about the instant offense at the plea hearing. Appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant further failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme

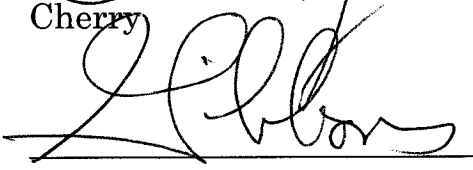
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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. Douglas W. Herndon, District Judge  
David E. Dudo  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk