

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE D. FENNELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57714

FILED

JUL 15 2011

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

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a motion for sentence modification.¹ Eighth Judicial District Court, Clark County; Michael Villani, Judge.

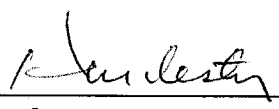
In his motion, filed on December 17, 2010, appellant claimed that his sentence for robbery with the use of a deadly weapon should be modified because no weapon was ever recovered, and because he was entitled to retroactive application of the 2007 amendments to NRS 193.165. Appellant's claims fell outside the narrow scope of claims permissible in a motion to modify: he 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's entry of a guilty plea to the charge of robbery with the use of a deadly weapon necessarily

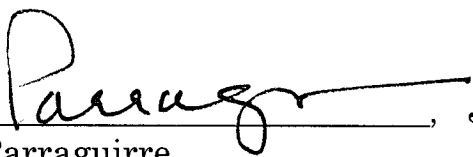
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

conceded that a deadly weapon was used in commission of the crime. Therefore, the district court did not err in denying appellant's motion to modify.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Michael Villani, District Judge
Lawrence D. Fennell
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²As a separate and independent ground to deny relief, appellant was not entitled to application of the amendments to NRS 193.165, as appellant committed the offense at issue before the amendments became effective on July 1, 2007. See State v. Dist. Ct. (Pullin), 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008).

³We note that the district court may have construed appellant's motion as a motion for reconsideration of the district court's May 19, 2010, order denying appellant's previous motion to modify/correct an illegal sentence. While we disagree with this categorization, the district court nonetheless reached the correct result. See Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000); Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (this court will affirm the judgment of the district court if it reached the correct result for the wrong reason).