

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTHUR JOSEPH BREWER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57716

FILED

JUN 08 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Ingersoll*  
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, in the alternative, a motion for modification of sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

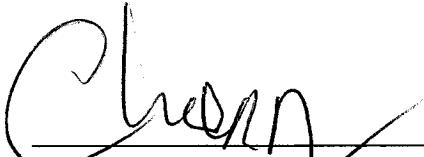
In his motion filed on December 12, 2010, appellant claimed that his sentence was illegal because the district court did not first sentence him to possession of a stolen vehicle, then vacate that sentence and impose one pursuant to the habitual criminal statute. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant also failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. Id. We therefore conclude

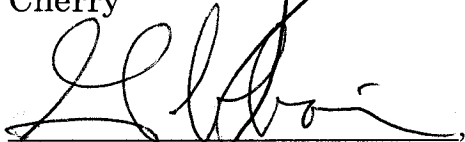
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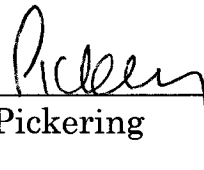
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Elissa F. Cadish, District Judge  
Arthur Joseph Brewer  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>We 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.