

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDAL N. WIIDEMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58198

FILED

JUL 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Ingerson
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from an order denying a “motion to vacate and modify judgment and sentence.”¹ Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

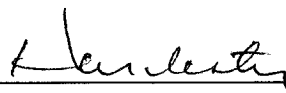
In his motion, filed on November 2, 2010, appellant claimed that his conviction should be vacated because one of the witnesses that testified at the preliminary hearing recanted his testimony. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Further, he failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See id. We therefore

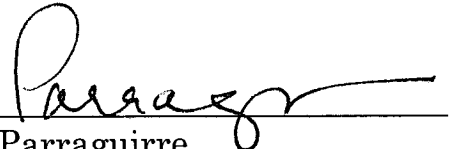
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Richard Wagner, District Judge
Randal N. Wiideman
Attorney General/Carson City
Pershing County District Attorney
Pershing County Clerk

²We 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.