

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERTO GONZALEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58416

FILED

NOV 17 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 appellant's motion to correct an illegal sentence.¹ Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

In his motion, filed on March 25, 2011, appellant claimed that the State's conduct violated his rights pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and that his sentence violated his constitutional double jeopardy rights. Appellant's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d

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).

321, 324 (1996). Therefore, the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Jerome Polaha, District Judge
Roberto Gonzalez
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court 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. We decline to appoint counsel as requested by appellant in his motion received on July 5, 2011.