

IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY LEE FOGGY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58802

FILED

NOV 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

This is a proper person appeal from an order of the district court purportedly denying a motion to correct clerical mistakes and to correct and modify judgment.¹ Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

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).

The district court's order of August 15, 2011, memorialized the previously-made oral decision to deny the motion. To the extent that appellant attempted to appeal the denial of a motion for reconsideration, no statute or court rule permits an appeal from an order denying a motion for reconsideration. Phelps v. State, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995); Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). To the extent that appellant attempted to appeal the entry of an amended judgment of conviction, appellant was not aggrieved by the amendment to the judgment of conviction. Thus, this court dismisses this portion of the appeal for lack of jurisdiction.

In his motion filed on May 23, 2011, appellant claimed that the judgment of conviction contained errors by not specifying the minimum term for parole eligibility and not specifying the specific statutory subsection. The district court granted appellant's motion in regards to his claim that the judgment of conviction contained an error by failing to specify the minimum term, and on June 13, 2011, the district court entered an amended judgment of conviction specifying the minimum terms for parole eligibility for first-degree murder with a deadly weapon. The district court denied any other requested relief. Based on our review of the record on appeal, we conclude that the district court did not err in denying the motion in part because setting forth the minimum parole eligibility term made it unnecessary to specify the statutory subsection.² NRS 176.105(1)(c). Appellant further 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 also failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. See id. We therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

²To the extent that appellant complained that he has been denied a timely parole hearing, appellant may seek relief in a petition for a writ of mandamus filed in the district court. We express no opinion as to the merits of such a petition.

ORDER the judgment of the district court AFFIRMED IN PART AND we DISMISS this appeal in part.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Jerome T. Tao, District Judge
Henry Lee Foggy
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk