

IN THE SUPREME COURT OF THE STATE OF NEVADA

WINSLOW BELLAMY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58806

FILED

OCT 05 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Tracie K. Lindeman
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a motion to modify sentence.¹ Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

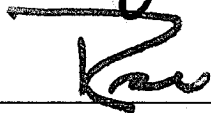
In his motion filed on June 13, 2011, appellant claimed that that the district court relied on unspecified errors in the presentence investigation report. Appellant further claimed that he was improperly sentenced as a habitual criminal. Appellant failed to demonstrate that the district court relied 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). Appellant was not sentenced as a habitual criminal. Further, appellant's sentence was legal. See NRS


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 Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

200.380(2). We therefore 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.
Pickering


_____, Sr. J.
Rose


_____, Sr. J.
Shearing

cc: Hon. James M. Bixler, District Judge
Winslow Bellamy
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²The Honorables Robert Rose and Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.

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.