

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAJOR JAMES GREEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58909

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion to vacate judgment and sentence.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

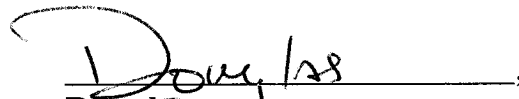
In his motion filed on June 23, 2011, appellant claimed that the district court erred in failing to conduct competency proceedings based on his mental health history as set forth in the presentence investigation report. Based upon the nature of the relief sought, we conclude that appellant's motion was properly construed to be a motion to correct an illegal sentence and that appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction in this case.² See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).


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).

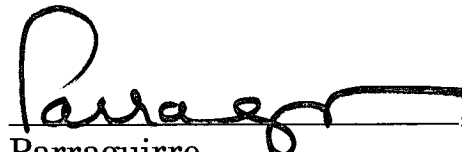
²As a separate and independent ground to deny relief, we further note that appellant failed to demonstrate that the district court erred in not conducting competency proceedings based upon information contained in the presentence investigation report. NRS 178.405; see also Dusky v.

Therefore, the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Linda Marie Bell, District Judge
Major James Green
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

United States, 362 U.S. 402, 402 (1960); Melchor-Gloria v. State, 99 Nev. 174, 180, 660 P.2d 109, 113 (1983).

³We 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.