

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN DWAYNE BROWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59404

**FILED**

MAR 07 2012

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for sentence modification.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


In his motion filed on August 24, 2011, appellant claimed that his plea was invalid because he received misinformation about the availability of probation, he was informed the State would not oppose concurrent sentences, and his counsel was ineffective. Appellant's claims fell outside the scope of claims permissible in a motion for sentence modification, and appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked

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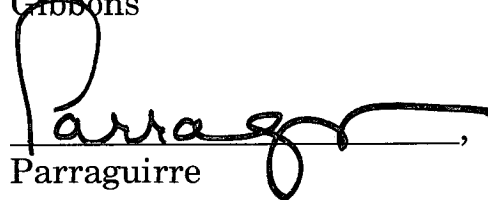
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

to his extreme detriment.<sup>2</sup> See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). 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.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Douglas W. Herndon, District Judge  
Kevin Dwayne Brown  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>To the extent that appellant claimed that the presentence investigation report contained errors, this court considered and rejected this argument in an earlier appeal from the denial of motions to correct an illegal sentence. Brown v. State, Docket Nos. 57466, 57467 (Order of Affirmance, June 8, 2011). The doctrine of the law of the case prevents further litigation of this issue. Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).