

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC MICHAEL CROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59738

**FILED**

JUN 13 2012

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 correct an illegal sentence, or in the alternative, a motion to modify sentence.<sup>1</sup> Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

In his motion, filed on December 29, 2010, appellant claimed that his sentence was based on an erroneous statement in the presentence investigation report (PSI) that appellant had 13 prior misdemeanor convictions. 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). First, any error appears to be a simple arithmetic mistake—appellant does not dispute the validity of the convictions actually listed in the PSI. Second, the district court did not rely on the

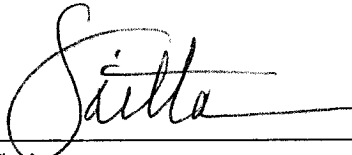
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

total number of alleged misdemeanor convictions when sentencing appellant. Rather, the district court specifically stated that appellant's sentence was based on the destructive impact of appellant's actions in the case, as well as appellant's multiple prior convictions involving domestic battery and possession of a controlled substance.

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

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

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<sup>2</sup>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.

cc: Hon. Janet J. Berry, District Judge  
Eric Michael Cross  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk