

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLAVIO MORENO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59877

**FILED**

JUL 25 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 denying a motion to modify and/or correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

In his motion filed on November 3, 2011, appellant claimed that his sentence should be concurrent, rather than consecutive, to a sentence that he is serving in another case. 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 also failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See id. Further, the record belies his claim that his sentence did not comport with the terms of the written plea

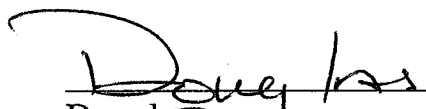
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

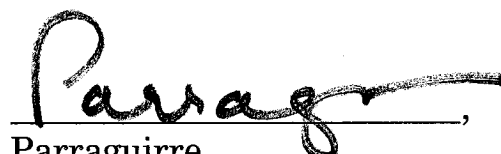
agreement, as appellant received the sentence to which he stipulated in the plea agreement.

Appellant also claimed that his rights to due process and equal protection were violated because he was not present at the sentencing hearing. This claim fell outside the narrow scope of claims permissible in a motion to modify or correct a sentence. See id. To the extent that appellant claimed that the district court impermissibly enhanced his sentence under both NRS 193.165 and NRS 207.010, the record does not support this allegation. 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. Valorie J. Vega, District Judge  
Flavio Moreno  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk