

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE M. MARTINEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60418

FILED

OCT 08 2012

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

ORDER OF AFFIRMANCE


This is a proper person appeal from an order denying a motion to modify or correct sentence.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

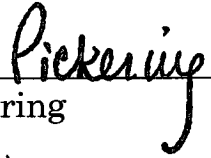
In his motion filed on February 3, 2012, appellant claimed that he should be resentenced because the State agreed not to oppose concurrent sentences between the counts but the district court imposed consecutive time between counts 2 and 3. Appellant also claimed that the presentence report contained misinformation about his experiences as a youth and his gang affiliation. 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 failed to demonstrate that his sentence was facially illegal and that the district court lacked

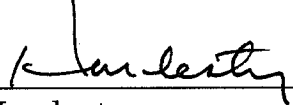
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Valerie Adair, District Judge
Jose M. Martinez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk