

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY FINLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60560

FILED

DEC 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order by the district court denying a motion to correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

In his motion filed on December 1, 2011, appellant claimed that his habitual criminal sentence was illegal because (1) the prior felony convictions were not produced at sentencing and the district court did not inquire into them, (2) the district court did not first sentence him on the primary offense before adjudicating him a habitual criminal, and (3) his amended guilty plea agreement did not specifically state the prior felony convictions. Appellant also argued that the PSI incorrectly stated that he had been to prison seven times, when he had actually only been to prison five times, and his counsel was ineffective for failing to challenge his habitual criminal adjudication and sentence. We conclude that the district

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).

court did not err in denying the motion. Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To the extent that appellant's motion could be construed as a motion to modify his sentence, he failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See id. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Stefany Miley, District Judge
Anthony Finley
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk