

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRAIG CARLSTON SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60650

FILED

NOV 14 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 in part a motion to modify and/or correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

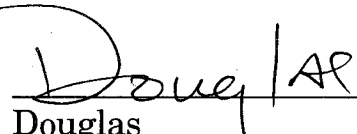
In his motion, filed on March 16, 2012, appellant claimed that his sentence was invalid because he did not knowingly plead guilty to the deadly weapon enhancement to count 2. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked 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

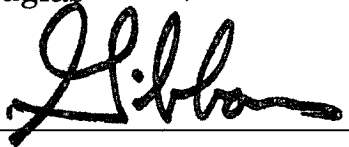
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

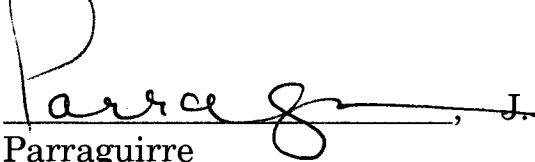
The district court corrected, sua sponte, appellant's judgment of conviction, reducing the minimum sentence by three months so as to bring it into accord with NRS 193.130(1).

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.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Carolyn Ellsworth, District Judge
Kraig Carlston Smith
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk