

IN THE SUPREME COURT OF THE STATE OF NEVADA

CORY KAY WINANS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61413

FILED

APR 09 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

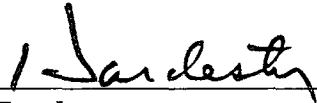
In his motion filed on July 2, 2012, appellant claimed that he was mentally ill at the time of his plea and received ineffective assistance of counsel. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment.² See Edwards v. State, 112 Nev. 704, 708, 918 P.2d

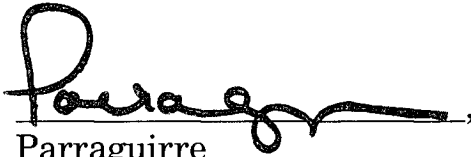
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

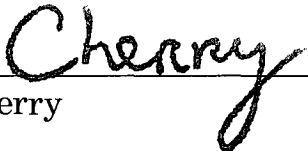
²We further note that appellant failed to demonstrate that he was incompetent at the time he entered his plea and was sentenced. See Godinez v. Moran, 509 U.S. 389, 396-97 (1993); Dusky v. United States, 362 U.S. 402, 402 (1960); Riker v. State, 111 Nev. 1316, 1325, 905 P.2d 706, 711 (1995); Melchor-Gloria v. State, 99 Nev. 174, 180, 660 P.2d 109, 113 (1983).

321, 324 (1996). We therefore conclude that the district court did not err in denying appellant's motion.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Stefany Miley, District Judge
Cory Kay Winans
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We conclude that the district court did not abuse its discretion in denying appellant's motion for the appointment of counsel. We further deny appellant's request for appellate counsel.