

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONALD RAY LEE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62293

FILED

SEP 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a motion for modification of sentence.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

In his motion filed on October 30, 2012, appellant claimed that recent U.S. Supreme Court cases demonstrated that his sentence was illegal. Appellant's claim was outside of the scope of a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708-09 n.2, 918 P.2d 321, 325 n.2 (1996). Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See id.* at 708, 918 P.2d at 324. We therefore

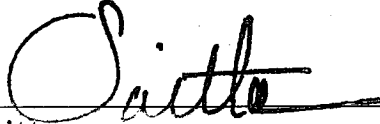
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

conclude that the district court did not err in denying appellant's motion.
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Elissa F. Cadish, District Judge
Donald Ray Lee
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk