

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESUS O. BENITEZ, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62862

JESUS O. BENITEZ, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62863

FILED

NOV 14 2013

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

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying motions to correct an illegal sentence and modify sentence.¹ Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge. We elect to consolidate these appeals for disposition. *See* NRAP 3(b)(2).

In both motions,² appellant claimed that his counsel coerced him into pleading guilty by failing to properly explain the sentence he

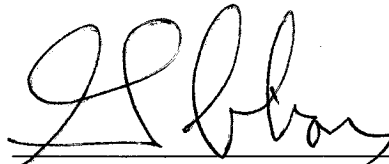
¹These appeals have been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the records are sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

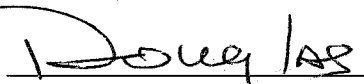
²In Docket No. 62862, appellant's motion was filed on February 1, 2013, and in Docket No. 62863, appellant's motion was filed on January
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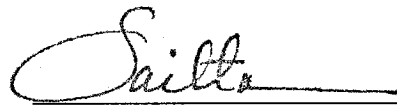
would receive, the district court erred by failing to follow the sentencing recommendation contained in the presentence investigation report, and the district court did not allow him to present mitigation evidence at the sentencing hearing. Appellant's claims fell outside of the scope of permissible claims: he did not demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment, that his sentences were facially illegal, or that the district court lacked jurisdiction. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of his claims, we conclude that the district court did not err in denying appellant's motions.

For the foregoing reasons, we

ORDER the judgments of the district court AFFIRMED.³


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

... continued

30, 2013. The motions were identical, but were filed in separate district court cases.

³We also conclude that the district court did not err in denying appellant's motions for the appointment of counsel.

cc: Hon. Valorie J. Vega, District Judge
Jesus O. Benitez, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk