

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY HOOKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64299

FILED

MAY 13 2014

TRAGIE 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 to modify sentence.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

In his motion filed on September 12, 2013, appellant claimed that the district court lacked jurisdiction to sentence him as a habitual criminal due to a violation of NRAP 26(d). Appellant further claimed that the district court should not have adjudicated him a habitual criminal because his criminal history was less significant than other defendants who were adjudicated habitual criminals and because one of his prior convictions was remote in time, and he also challenged his conviction and raised claims of ineffective assistance of counsel. Appellant's claims fell outside the narrow scope of claims permissible in a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324

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).

(1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude that the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Valerie Adair, District Judge
Jerry Hooks
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.