

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO LOPEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64320

FILED

MAR 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malme
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to modify and/or correct an illegal sentence.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

In his motion filed on July 31, 2013, appellant claimed that his counsel promised him that he would receive probation so he was not aware that he could be sentenced to imprisonment when he entered his guilty plea. Appellant also claimed that the sentence in the written judgment of conviction did not match the oral pronouncement by the district court. Appellant's claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To the extent that appellant challenged the validity of his guilty plea, such challenges to the judgment of conviction must be raised in a post-conviction petition for a writ of

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).

habeas corpus filed in the district court in the first instance.² NRS 34.724(2)(b); NRS 34.738(1). 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.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Kathleen E. Delaney, District Judge
Julio Lopez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We express no opinion as to whether appellant could meet the procedural requirements of NRS chapter 34.