

IN THE SUPREME COURT OF THE STATE OF NEVADA

TODD TRENT MCCLARY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64333

FILED

APR 10 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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 motion to correct illegal sentence.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


In his motion filed on August 26, 2013, appellant claimed that the district court relied upon an erroneous presentence investigation report (PSI) when sentencing appellant. Appellant claimed that, while his PSI stated he had two prior prison incarcerations, he only had one prior prison incarceration. The record on appeal supports the decision of the district court to deny relief. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant failed to demonstrate

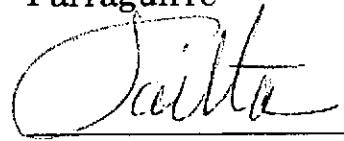
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

that his sentence was facially illegal or that the district court lacked jurisdiction. *See id.* Therefore, we conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Michelle Leavitt, District Judge
Todd Trent McClary
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk