

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM EUGENE ROPER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64696

**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 denying a motion to modify or correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

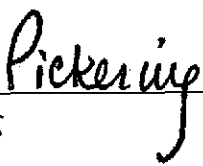
In his motion filed on October 3, 2013, appellant claimed the presentence investigation report did not accurately describe the crime because appellant maintained a stun gun was not used and the victim was not punched in the face, his trial counsel was ineffective for failing to challenge the victim's testimony that a stun gun was used, the State violated *Brady v. Maryland*, 373 U.S. 83 (1963) in failing to provide his counsel with photographs during discovery and disclosing information about an alleged confidential informant, the judge was biased, and the prosecutor elicited false testimony. Appellant's claims fell outside the narrow scope of claims permissible in a motion to modify or correct an

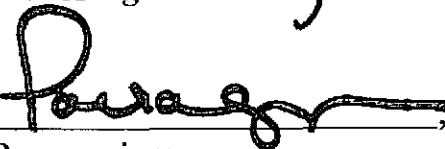
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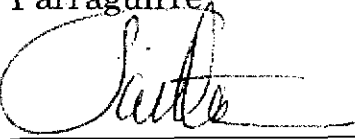
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

illegal sentence.<sup>2</sup> See *Edwards*, 112 Nev. at 708, 918 P.2d at 324. 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.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

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

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<sup>2</sup>Appellant's complaint about the presentence investigation report did not relate to his criminal record. Even had the claim related to his criminal record, appellant failed to demonstrate that the district court relied upon a material mistake of fact about his criminal record that worked to his extreme detriment. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The information in the presentence investigation report appears to have come from the police report. At trial, the victim testified that a stun gun was used. While the victim never testified that appellant had punched her in the face, the victim did testify that she fought and struggled during the kidnapping and robbery. Appellant addressed the court personally at sentencing and indicated that he had not punched the victim in the face.