

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK J. MATYLINSKY, JR.,  
Appellant,  
vs.  
GREG SMITH, WARDEN, NEVADA  
STATE PRISON,  
Respondent.

No. 65574

FILED

SEP 18 2014

TRACIE 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 correct an illegal sentence and modify sentence.<sup>1</sup> Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

In his motion filed on December 4, 2013, appellant claimed that the State improperly failed to inform the jury during the penalty hearing that appellant had been honorably discharged from probation for his previous convictions and appellant asserted that this omission resulted in his sentence of life without the possibility of parole. Appellant's claim fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). In addition, appellant failed to demonstrate that the jury relied on mistaken assumptions regarding his criminal record that worked

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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 Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

to his extreme detriment. *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.<sup>2</sup>

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Patrick Flanagan, District Judge  
Frank J. Matylinsky, Jr.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>We 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.