

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES EDWARD CROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66330

**FILED**

DEC 11 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 motion for new trial.<sup>1</sup> Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

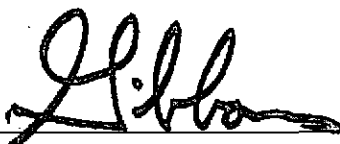
In his motion filed on July 9, 2014, appellant claimed that the district court erred by sentencing him for first-degree murder rather than involuntary manslaughter, his conviction for attempted murder was erroneous because the victim was not shot, the grand jury indictment was insufficient, and the State erred when it sought an indictment while his preliminary hearing was pending. 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). Therefore, without considering the merits of any of the claims raised in the motion to modify, we conclude that the district court did not err in denying the motion to modify. In addition, appellant filed his

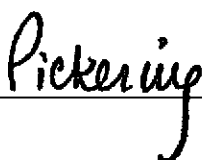
---

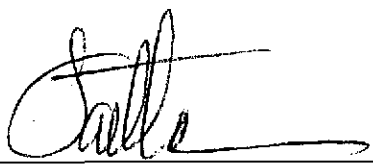
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

motion for new trial outside the narrow seven-day time period for filing a motion for new trial, *see* NRS 176.515(4), and therefore, the district court did not err in denying the motion for new trial. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_  
Gibbons C.J.

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

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

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
James Edward Cross  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<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.