

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES DERRICK HUNDLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66487

FILED

FEB 04 2015

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court granting in part and denying in part a motion to amend judgment.¹ Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

In his motion filed on June 18, 2014, appellant claimed that his judgment of conviction should be amended because it contained clerical errors. Specifically, he claimed that the judgment of conviction incorrectly states that he pleaded guilty, the judgment does not contain cites to the statutes under which he was convicted, and the judgment does not reflect whether or not the victim suffered substantial bodily harm. The district court concluded that the judgment should be amended to reflect that appellant was convicted by a jury verdict, but denied relief as to the rest of appellant's motion. This appeal followed.

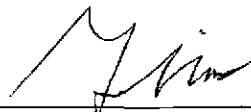
We elect to construe appellant's motion as a motion to modify or correct an illegal sentence. Appellant failed to demonstrate that the

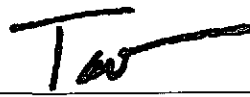
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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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 also failed to demonstrate 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, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Janet J. Berry, District Judge
James Derrick Hundley
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We note that the judgment of conviction references the Information, which cites to the necessary statutes. Further, substantial bodily harm was not an element of sexual assault on a minor, *see* 1995 Nev. Stat., ch. 443, § 58, at 1186, and therefore, the judgment of conviction's failure to reference it was not error.