

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC WILLIAM ZESSMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66545

FILED

FEB 24 2015

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to modify sentence.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

In his motion filed on April 11, 2014, appellant stated that he and his codefendant were tried together, they were convicted of first-degree murder, and their convictions were modified from first-degree murder to second-degree murder on direct appeal.² He argued that because his codefendant's judgment of conviction had been discharged so too should his judgment of conviction be discharged or, alternatively, modified to impose a term of years instead of life with the possibility of

¹This appeal has been submitted for decision without oral argument, see 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).

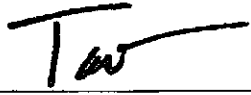
²In *Zessman v. State*, 94 Nev. 28, 573 P.2d 1174 (1978), the Nevada Supreme Court modified the Zessmans' judgments of conviction pursuant to NRS 177.265 after concluding that they had been deprived of due process and at the express request of the State.

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parole.³ And he asserted that, pursuant to the Equal Protection Clause, he should have the same opportunity as his codefendant to have his judgment of conviction discharged. However, Appellant's claim fell outside the narrow scope of claims permissible in a motion to modify sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we conclude that the district court did not err by denying his motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James Todd Russell, District Judge
Eric William Zessman
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

³The Nevada Department of Correction's website does not indicate that Mary E. Zessman has been discharged, but rather that she has been granted parole.