

IN THE SUPREME COURT OF THE STATE OF NEVADA


WILLIE SEAL LEWIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66592

FILED

APR 15 2015

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

This is a pro se appeal from a district court order denying appellant Willie Seal Lewis' motion to modify his sentence. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

In his motion filed on June 14, 2014, Lewis claimed that the district court should reconsider and modify his sentence pursuant to the ameliorative amendments to NRS 193.165 (deadly weapon enhancement statute). See 2007 Nev. Stat., ch. 525, § 13, at 3188. Lewis' claim fell outside the narrow scope of claims permissible in a motion to modify a sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Lewis also claimed, without specificity, that the sentence imposed was based on mistakes in his presentence investigation report. Lewis failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See *id.* Moreover, to the extent Lewis' pleading could be construed as a motion to correct an illegal sentence, he failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. See *id.*; see also *State v. Second Judicial Dist. Court (Pullin)*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008) (holding that "the proper penalty is the penalty in effect at the time of the commission of the


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offense and not the penalty in effect at the time of sentencing¹); 2007 Nev. Stat., ch. 525, § 22, at 3196 (listing the effective date of the amendment to NRS 193.165 as July 1, 2007). Therefore, we conclude that the district court did not err by denying Lewis' motion. Accordingly, we

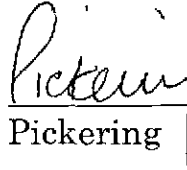
ORDER the judgment of the district court AFFIRMED.¹



_____, J.
Saitta



_____, J.
Gibbons



_____, J.
Pickering

cc: Eighth Judicial District Court Dept. 15
Willie Seal Lewis
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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