

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILL JAMES HYBARGER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66781

FILED

FEB 24 2015

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

ORDER OF AFFIRMANCE


This is an appeal from an order of the district court denying a motion to modify sentence.¹ Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

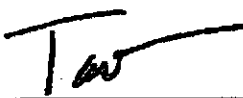
In his motion filed on December 9, 2013, appellant claimed that his sentence should be modified because he is sorry, has learned his lesson, has been good in prison, and wants to pay his restitution. In his points and authorities filed on September 25, 2014, appellant claimed that his sentence should be modified because he did not commit the crime, he was not mentally able to enter a plea, and he received ineffective assistance of counsel. Appellant's claims 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). Therefore, without considering the merits of any of the claims raised in the motion, we

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).

conclude that the district court did not err in denying the motion.
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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