

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DERRICK AVERY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66828

FILED

MAR 17 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

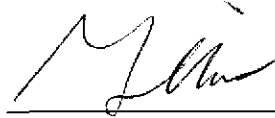
This is an appeal from an order of the district court denying a motion to modify sentence.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.


In his motion filed on September 18, 2014, appellant claimed that his judgment of conviction should be modified because he was entitled to over 1200 days of presentence credits. Appellant's claim fell outside the narrow scope of claims permissible in a motion to modify. *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. David B. Barker, District Judge
Derrick Avery
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk