

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEE DAVIDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67792

FILED

AUG 04 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 Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.


In his motion filed on March 3, 2015, appellant Lee Davidson challenged his habitual criminal adjudication arguing the district court did not understand it could dismiss a count of habitual criminal and arguing the certified copies of his prior convictions were not filed with the district court. Davidson also claimed his sentences should not be consecutive because his convictions arose out of the same transaction. Davidson's claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude 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).

the merits of any of the claims raised in the motion, we conclude the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Lee Davidson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We have reviewed all documents Davidson has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Davidson has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.