

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KARL WILLIAM SCHENKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68330

FILED

NOV 19 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Amical*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

In his motion filed on April 29, 2015, appellant Karl Schenker claimed that the State and court ignored the Division of Parole and Probation's sentencing recommendation; the waiver of his preliminary hearing was not knowing and voluntary; the State filed an amended information; he was never provided a hearing pursuant to *Petrocelli v. State*, 101 Nev. 46, 692 P.2d 503 (1985), prior to the introduction of his non-related/sexual criminal record; and the State presented prejudicial character testimony.²

Schenker's claims fell outside the narrow scope of claims permissible in a motion to modify an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without

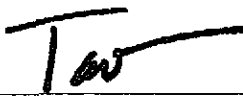
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²Schenker resubmitted the motion on May 6, 2015.

considering 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.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Janet J. Berry, District Judge
Karl William Schenker
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

³We have reviewed all documents Schenker has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Schenker 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.