

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESUS IVAN MORENO-AVENDANO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68288

FILED

DEC 18 2015

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

ORDER OF AFFIRMANCE


This is an appeal from a district court order denying a motion to reduce arrears of judgment.¹ Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.


In his motion filed on April 7, 2015, appellant Jesus Moreno-Avendano claimed defense counsel was ineffective for failing to advise him that he risked deportation by entering a guilty plea, and he asked the district court to reduce his 12- to 48-month prison sentence to a 364-day county jail sentence. It appears the district court construed Moreno-Avendano's motion as a motion to modify sentence. The district court determined there was no basis to modify Moreno-Avendano's sentence and denied the motion. We conclude Moreno-Avendano's claim fell outside the narrow scope of claims permissible in a motion to modify sentence, *see*

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).

Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996), and the district court did not err by denying his motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Jesus Ivan Moreno-Avendano
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk