

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JERRY LEE CROSS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74939

FILED

OCT 25 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jerry Lee Cross appeals from an order of the district court denying a motion for modification of sentence filed on November 27, 2017.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

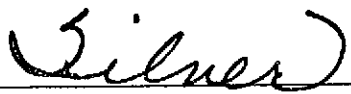
In his motion, Cross claimed his presentence investigation report contained material facts in error. Specifically, he claimed the victim's story included in the PSI was incorrect because she lied and the risk assessment score was listed incorrectly. He also claimed he was high during the crime and the Nevada Board of Parole Commissioners denied him parole because the original charge was listed as a sexual assault on a minor under the age of 16 but the victim was actually 16.² Cross' 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 the merits of any of


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).


²We note Cross was convicted of attempted sexual assault.

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

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Jerry Lee Cross
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk