

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JARAMIE DEAN WOMACK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76967-COA

FILED

JUN 25 2019

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

ORDER OF AFFIRMANCE

Jaramie Dean Womack appeals from an order of the district court denying a motion for modification filed on August 3, 2018.¹ Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his motion, Womack claimed the district court relied on errors in the presentence investigation report (PSI) and an out-of-date judgment of conviction when sentencing him to life in prison without the possibility of parole pursuant to the large habitual criminal statute. Specifically, he claimed the State presented, at sentencing, a 1995 judgment of conviction from Washington to support the habitual criminal enhancement; however, that judgment of conviction was amended in 1998. Womack claimed the State should have presented the amended judgment of conviction. The 1998 amended judgment reflected that Womack did not have to serve a period of community supervision after being released and that his sentence was to be served concurrently to his three Wyoming

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).

convictions. The PSI included information from the 1995 judgment and did not include information from the 1998 amended judgment.

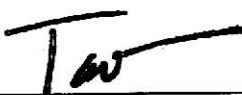
While it appears the State presented the 1995 judgment, and the PSI contained information from the 1995 judgment, Womack failed to demonstrate he was entitled to relief. The amended judgment of conviction did not change the nature of Womack's Washington felony conviction, only some of the punishment. He still had four felony convictions, which was sufficient to qualify for the large habitual criminal enhancement. Given his prior convictions and the facts in this case, Womack failed to demonstrate that when imposing sentence the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, we conclude the district court did not err by denying this claim.

To the extent Womack argued counsel was ineffective and the district court was biased, these claims were outside the scope of a motion to modify sentence. *See id.* Therefore, we conclude the district court did not err by denying these claims.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Jaramie Dean Womack
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk