


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ORLANDO SCOTT MARTIN, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68491

FILED

DEC 18 2015

TRACIE K. LINDSEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a motion to modify and/or correct an illegal sentence.<sup>1</sup> Second Judicial District Court, Washoe County; David A. Hardy, Judge.

In his motion filed on May 1, 2015, and his amended motion filed on June 24, 2015, appellant Orlando Martin, Jr., claimed his sentence should be modified or corrected because (1) the district court violated the Double Jeopardy Clause by imposing consecutive sentences, (2) the district court erred by imposing a harsh sentence based on his decision to proceed to trial, (3) the State violated his right to a speedy trial by seeking a grand jury indictment after he had already been bound over for trial, and (4) he was entitled to 303 days' credit for time served.

Martin'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 (1994). To the


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<sup>1</sup>This 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).

extent Martin also claimed the district court's sentencing decision was based on errors in the presentence investigation report, Martin has made no showing that the district court relied "on mistaken assumptions about [his] criminal record which work to [his] extreme detriment." *Id.* Accordingly, we conclude the district court did not err by denying Martin's motion, and we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. David A. Hardy, District Judge  
Orlando Scott Martin, Jr.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>We have reviewed all documents Martin has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Martin 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.