

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY LYNN FRANKLIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68041

FILED

NOV 19 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
Tracie K. Lindeman
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a motion to correct judgment to remove illegal charges filed pursuant to NRS 176.555.¹ Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

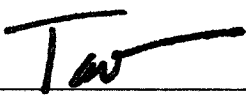
In his motion filed on April 2, 2015, appellant Jeffrey Franklin claimed his judgment of conviction improperly reflects that he was convicted of trafficking in a controlled substance, a category A felony, when he was, in fact, convicted of trafficking in a controlled substance, a category B felony under NRS 453.3385(1). Franklin was sentenced as a habitual criminal under NRS 207.010(1)(b)(2) to a prison term of 10 years to life, and he does not allege his sentence was facially illegal or the district court lacked jurisdiction. Franklin's claim 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


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).

(1996). Therefore, without considering the merits of the claim 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.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge
Jeffrey Lynn Franklin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk