

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VINCENT ROBLES CARMONA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70480

FILED

APR 19 2017

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

ORDER OF AFFIRMANCE

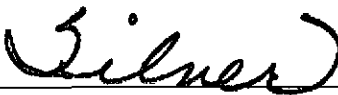
Appellant Vincent Carmona appeals from an order of the district court denying a motion to modify sentence filed on March 22, 2016.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

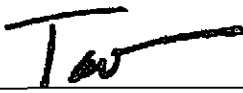
On appeal, Carmona claims the district court erred by denying his motion because his sentence constituted cruel and unusual punishment. Carmona's claim fell outside the narrow scope of claims permissible in a motion to modify. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of this claim, we conclude the district court did not err in denying the motion. Further, to the extent Carmona claims sentencing him to prison for a violation of lifetime supervision is incompatible with evolving standards of decency, he should have been sentenced to rehabilitation or mental health treatment, his conviction violates the Americans with Disabilities Act, and his plea was void ab initio, these claims were not

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

raised below in the district court and we decline to consider them for the first time on appeal. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Vincent Robles Carmona
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk