

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEVON RYNELL OGLESBY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69224

**FILED**

**MAY 17 2016**

*ORDER OF AFFIRMANCE*

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

This is an appeal from an order of the district court denying a motion to modify or correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant Jevon Rynell Oglesby argues the district court erred in denying his motion filed on September 24, 2015. Oglesby asserts the district court improperly imposed his sentence for the deadly weapon enhancement because use of the deadly weapon was necessary for him to complete the robberies, the district court should not have imposed the deadly weapon enhancement as an equal and consecutive sentence to that of the primary offense, and his guilty plea was invalid. Oglesby'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 (1996). Therefore, without considering the merits of any of

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


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

Next, Oglesby argues the district court was biased against him because it denied the motion without permitting Oglesby to orally argue the motion. Oglesby was not entitled to argue the merits of the motion at a hearing because, as stated previously, his claims were not within the scope of motion to modify or correct an illegal sentence. Therefore, Oglesby has not demonstrated he is entitled to relief for this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Douglas Smith, District Judge  
Jevon Rynell Oglesby  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk