

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JERRY SANTISTEVAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82841-COA

FILED

SEP 13 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jerry Santistevan appeals from an order of the district court denying a motion to modify and/or correct an illegal sentence filed on March 9, 2021, and a motion for modification of sentence filed on March 16, 2021. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his motions, Santistevan raised claims challenging the validity of his judgment of conviction and sentence. Santistevan did not allege specific facts demonstrating 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). Santistevan also failed to allege specific facts demonstrating that his sentence was facially illegal or the district court lacked jurisdiction. *See*

*id.* Therefore, we conclude the district court did not err by denying Santistevan's motions. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Erika D. Ballou, District Judge  
Jerry Santistevan  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>In his informal brief on appeal, Santistevan argues for the first time that the State sought a significant term of imprisonment based on Santistevan's participation in an offense in another jurisdiction and that the sentencing court failed to consider the sentencing recommendations made in the presentence investigation report. We decline to consider new argument on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).