

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL EUSTICE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55777

FILED

OCT 15 2010

TRACIE H. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

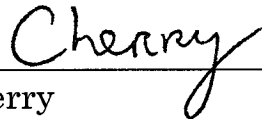
This is a proper person appeal from an order of the district court denying a motion for modification of sentence.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.


In his motion, filed on March 2, 2010, appellant claimed that his sentence should be modified because he did not use a deadly weapon during the crime. Appellant failed to demonstrate that 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). Further, to the extent that appellant claimed that his sentence was illegal, appellant failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. See id.


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

We therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Doug Smith, District Judge
Michael Eustice
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk