


IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN DAVID HORTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56718

FILED

FEB 09 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

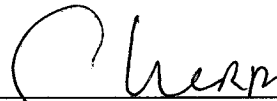
This is a proper person appeal from an order of the district court denying a motion to modify or correct sentence.¹ Eighth Judicial District Court, Clark County; David Wall, Judge.

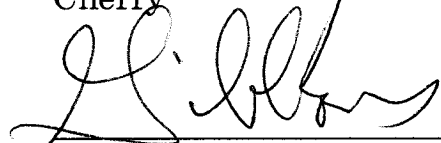
In his motion filed on July 15, 2010, appellant claimed that he should only have been convicted of a misdemeanor for driving under the influence and not felony-level driving under the influence. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant further failed to demonstrate that his sentence was facially illegal and that the district court lacked jurisdiction. See id. Notably, appellant entered a guilty plea to felony-level driving under the influence, and appellant may not challenge the validity of his plea or the

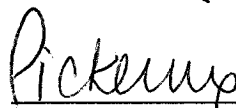
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

effective assistance of counsel in a motion to modify or correct sentence. 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.
Gibbons


_____, J.
Pickering

cc: Hon. David Wall, District Judge
John David Horton
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk