

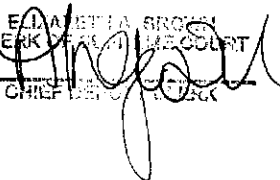
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDERICK J. BENSON, A/K/A
FREDDIE BENSON, JR., A/K/A
FREDRICK BENSON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76279-COA

FILED

MAY 15 2019

ELIABETH A. BROCK
CLERK OF THE COURT
BY 
CHIEF CLERK

ORDER OF AFFIRMANCE

Frederick J. Benson appeals from an order of the district court denying his motion for modification of sentence, filed on May 18, 2018.¹ Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Benson sought a copy of his original, uncorrected presentence investigation report and claimed he should be allowed to withdraw his guilty plea because his attorney failed to convey an earlier, more favorable plea offer. Benson'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 the claims raised in the motion, we


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3). To the extent Benson attempts to present claims or facts on appeal that were not previously presented in the proceedings below, we decline to consider them in the first instance. See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

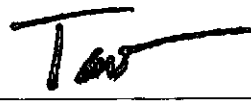



19-21283

conclude the district court did not err by denying the motion. Accordingly,
we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Carolyn Ellsworth, District Judge
Frederick J. Benson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk