

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NORBERT RAYSHAWN BLACKWELL,  
JR.  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72550

**FILED**

OCT 11 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Norbert Rayshawn Blackwell, Jr., appeals from an order of the district court denying the motion to modify or correct an illegal sentence he filed on January 17, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Blackwell claims the district court erred by denying his motion to modify or correct an illegal sentence because the presentence investigation report (PSI) contained incorrect information regarding his gang affiliation in 2010 and it underrepresented the extent of his drug and alcohol addiction. Blackwell failed to demonstrate 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). Even assuming the gang affiliation information in the PSI was incorrect, the district court did not rely on information regarding his gang affiliation at sentencing. Instead, the district court based its sentence on Blackwell's recidivism and the danger he posed to the community.

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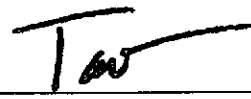
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


17-902116

Blackwell's claim regarding his drug and alcohol addiction was outside the scope of a motion to modify or correct an illegal sentence. *See id.* Further, Blackwell failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See id.* Therefore, we conclude the district court did not err in denying Blackwell's motion, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Carolyn Ellsworth, District Judge  
Norbert Rayshawn Blackwell, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk