

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHNNY LEE HENRY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 81957-COA

**FILED**

JUN 17 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK


*ORDER OF AFFIRMANCE*

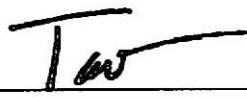
Johnny Lee Henry appeals from an order of the district court denying a motion to modify or correct an illegal sentence filed on August 26, 2020. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

In his motion, Henry claimed his presentence investigation report (PSI) contained a conviction for a misdemeanor sexual offense that was not his. The district court judge, who was also the sentencing judge, found that Henry's sentence was not based on this conviction but rather on three more recent felony convictions for theft and drug crimes. Thus, even assuming that the conviction was not Henry's and it was error to include it in the PSI, Henry failed to demonstrate the sentencing 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, Henry 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 by denying Henry's motion, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Connie J. Steinheimer, District Judge  
Johnny Lee Henry  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk