

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ANGELO HARGRAVES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45464

**FILED**

MAY 23 2006

WANNETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant's motion to modify his sentence. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Appellant Michael Hargraves was sentenced to a prison term of 40-120 months for burglary and a concurrent prison term of 12-36 months for a forgery. Hargraves previously appealed the district court's order denying his motion to withdraw his guilty plea. This court affirmed the order on November 17, 2004.<sup>1</sup>

Hargraves sole appellate issue is that the district court erred when it denied his motion to modify his sentence. We disagree.

"[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant's criminal record which work to the defendant's extreme detriment."<sup>2</sup> Hargraves contends the district court's sentence was based on incorrect information

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<sup>1</sup>State v. Hargraves, Docket No. 43360 (Order of Affirmance, November 17, 2004).


<sup>2</sup>Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).


in the pre-sentence report. Specifically, Hargraves alleges two incorrect arrests are listed which could not have occurred because he was in an inpatient substance abuse program on those dates.

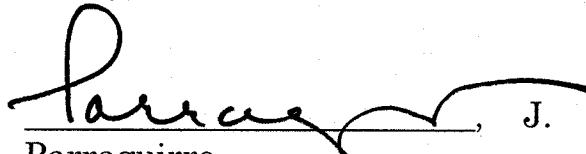
We conclude that Hargraves has failed to make a showing that his sentence was based on mistakes in his record that worked to his extreme detriment. Assuming his contention regarding the two arrests to be true, Hargraves does not dispute that his probation was being revoked on four other cases, that this was his eighth felony conviction or that he received dismissal of seven cases against him.

Therefore we,

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Lee A. Gates, District Judge  
Kirk T. Kennedy  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk