

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 47561

FILED

SEP 20 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion for sentence modification. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

On August 5, 2003, the district court convicted appellant, pursuant to a guilty plea, of one count of possession of stolen property. The district court sentenced appellant to serve a term of 19 to 60 months in the Nevada State Prison. No direct appeal was taken.

On April 25, 2006, appellant filed a proper person motion for sentence modification in the district court. On July 14, 2006, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that the crimes committed in district court case nos. C192966 and C191843 were the result of behaviors influenced by drugs. Appellant further claimed that his behavior while incarcerated was commendable in that he had no disciplinary problems, had been employed and had completed several programs. Appellant claimed that his family remained supportive and that because of his commendable behavior, his sentence should be reevaluated and modified.

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."¹ A motion to modify a

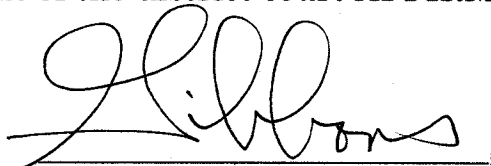
¹Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

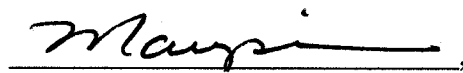
sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied.²

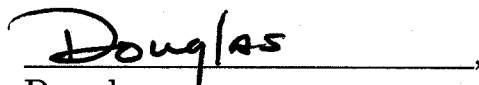
Our review of the record on appeal reveals that the district court did not err in denying appellant's motion. Although appellant's behavior while incarcerated may be commendable, his claims raise issues outside the very narrow scope of issues permissible in a motion to modify sentence. Appellant failed to demonstrate that the district court relied on highly suspect or impalpable evidence in sentencing appellant.³ Therefore, we affirm the order of the district court.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

²Id. at 708-09 n.2, 918 P.2d at 325 n.2.

³See Silks v. State, 92 Nev. 91, 545 P.2d 1159 (1976).

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Jennifer Togliatti, District Judge
Michael Angelo Hargraves
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk