

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SANFORD A/K/A DAVID WEBB
SANFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49144

FILED

JUL 24 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Alvarado
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; Jackie Glass, Judge.

On December 21, 2005, the district court convicted appellant, pursuant to a guilty plea, of one count of possession or sale of document or personal identifying information to establish false status or identity. The district court sentenced appellant to serve a term of 12 to 36 months in the Nevada State Prison. The district court imposed this sentence to run consecutively to district court case number C214401. No direct appeal was taken.

On February 22, 2007, appellant filed a proper person motion for sentence modification in the district court. The State opposed the motion. On March 20, 2007, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that the presentence report incorrectly stated that he had a prior felony conviction and a prior incarceration. He further claimed that the district court relied upon uncharged crimes as set forth in the presentence report in sentencing appellant to consecutive sentences. Appellant claimed that he did not

have an opportunity to refute the inaccurate information in the presentence report.

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

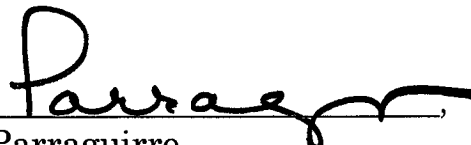
Our review of the record on appeal reveals that the district court did not err in denying appellant's motion. Appellant failed to demonstrate that the district court based its sentence upon any mistake assumption about appellant's criminal record that worked to his extreme detriment. Appellant's claim that he did not have a prior felony conviction or a prior term of incarceration is not supported by the record on appeal as the record reveals that by the time that appellant was sentenced in this case he had been formally sentenced in district court case number C214401 to a term of imprisonment. Appellant failed to demonstrate that there were any mistakes relating to uncharged crimes. Moreover, appellant was informed in entering his guilty plea that the district court could consider charges not filed, dismissed charges or charges to be dismissed pursuant to the plea agreement as well as appellant's criminal history in general. Appellant failed to demonstrate that he did not have an opportunity to correct any inaccurate information in the presentence report. Therefore, we affirm the order of the district court.

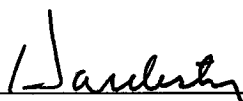
¹Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

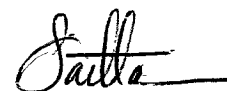
²Id. at 708-09 n.2, 918 P.2d at 325 n.2.

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.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Hardesty

 J.
Saitta

cc: Hon. Jackie Glass, District Judge
David Sanford
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).