

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOREEL PARKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50095

FILED

NOV 08 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

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

On June 15, 2006, the district court convicted appellant, pursuant to a guilty plea, of battery with a deadly weapon resulting in substantial bodily harm. The district court sentenced appellant to serve a term of 48 to 144 months in the Nevada State Prison. No direct appeal was taken.

On June 22, 2007, appellant filed a proper person motion for sentence reduction in the district court. The State opposed the motion. On July 26, 2007, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that his sentence should be reduced to probation or counseling given the totality of the circumstances and the success of his rehabilitation. The specific circumstances set forth by appellant included: (1) his willingness to accept probation, (2) his

family support, (3) his accountability and remorse for the crime, and (4) his lack of awareness that he would be sentenced to a term in prison because he was led to believe he was a good candidate for probation.

Because of the nature of relief sought, appellant's motion was properly construed as a motion to modify a sentence. 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

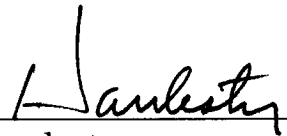
Our review of the record on appeal reveals that the district court did not err in denying the motion. Appellant failed to demonstrate that any of the circumstances set forth by appellant rose to the level of a material mistake about his criminal record. We further note that the presentence investigation report indicates that appellant informed the person preparing the report that "if released" appellant would like to become a motivational speaker. This statement indicated that appellant was aware that he faced a potential prison term. Therefore, we affirm the order of the district court.

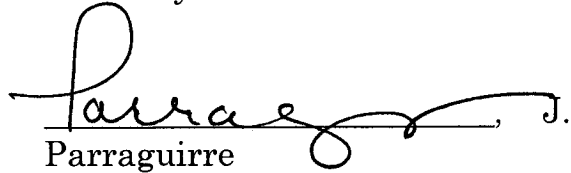
¹Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

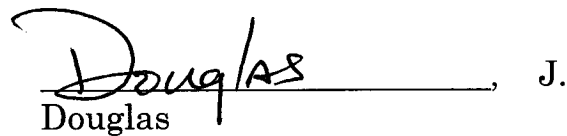
²Id. at 708-09 n.2, 918 P.2d at 325 n.2.

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.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Jennifer Togliatti, District Judge
Joreel Parker
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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