

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL NATHANIEL BEASLEY, IV  
A/K/A SAMUEL NATHANIEL  
BEASLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52473

**FILED**

APR 14 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Tracie K. Lindeman  
DEPUTY CLERK

ORDER OF AFFIRMANCE

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; Michael Villani, Judge.

On April 15, 2005, the district court convicted appellant, pursuant to a jury verdict, of three counts of sexual assault. The district court sentenced appellant to serve three concurrent terms of life in the Nevada State Prison with the possibility of parole. This court affirmed the judgment of conviction on appeal. Beasley v. State, Docket No. 45251 (Order of Affirmance, May 19, 2006). The remittitur issued on June 13, 2006.

On August 11, 2008, appellant filed a proper person motion for sentence modification in the district court. The State opposed the motion. On September 9, 2008, the district court denied appellant's motion. This appeal followed.

In his motion, appellant claimed that he was prejudiced by the State's argument at sentencing that after the verdict had been returned he turned and threatened the victim. Appellant claimed that he did not

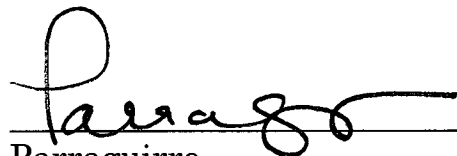
threaten the victim, but only commented that her testimony had not been accurate. Appellant claimed that any anger he displayed during the trial was directed towards the prosecutor and not the victim.

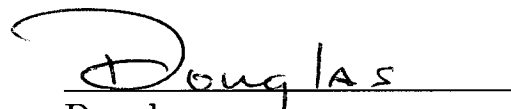
A motion to modify a sentence “is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to modify a sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied. Id. at 708-09 n.2, 918 P.2d at 325 n.2.

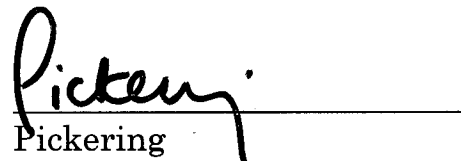
Our review of the record on appeal reveals that the district court did not err in summarily denying the motion. Appellant failed to demonstrate that his sentence was based upon a mistaken assumption about his criminal record that worked to his extreme detriment.

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

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Michael Villani, District Judge  
Samuel Nathaniel Beasley IV  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk