

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGEL RAUL PEREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53023

FILED

SEP 10 2009

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Alvarado
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; Sally L. Loehrer, Judge.

On November 15, 2007, the district court convicted appellant, pursuant to a guilty plea, of battery with the use of a deadly weapon (count one) and coercion with the use of a deadly weapon (count two). The district court sentenced appellant to serve in the Nevada State Prison a term of 38 to 98 months for count one and a term of 19 to 48 months for count two plus an equal and consecutive term for the use of a deadly weapon. Count two was to run consecutive to count one. The district court also ordered appellant to pay \$8,479.88 in restitution, a \$25 administrative assessment, and a \$150 DNA analysis fee. No direct appeal was taken.

On November 18, 2008, appellant filed a proper person motion for sentence modification. The State opposed the motion. On March 6, 2009, the district court denied the motion. This appeal followed.

In his motion appellant claimed that his sentence should be modified for the following reasons: (1) all restitution, fines and fees have been paid in full; (2) he no longer intends to live with people who have legal problems; (3) he will have gainful employment upon release; (4) he will reside in a low crime area of Las Vegas and not associate with people who provided a means of getting into trouble; and (5) his job will require travel out of Nevada.

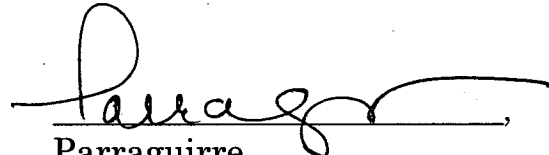
“[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to modify a sentence that raises issues outside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

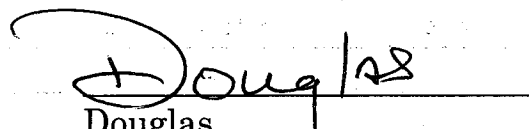
Our review of the record on appeal reveals that appellant’s claim fell outside the narrow scope of claims permissible in a motion to modify a sentence. Appellant failed to demonstrate that the district court relied upon a mistaken assumption about his criminal record that worked to his extreme detriment. Therefore, the district court did not err in denying this motion.

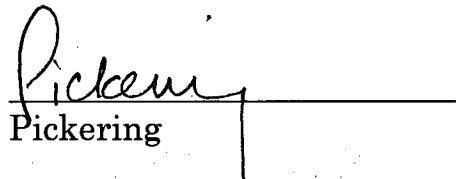
Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

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.¹


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Eighth Judicial District Court Dept. 15, District Judge
Angel Raul Perez
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.