

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHAD BRINK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54230

FILED

APR 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingerson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to modify sentence.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

In his motion filed on May 21, 2009, appellant claimed that the district court did not understand she could sentence appellant to serve a term of 5 to 12 1/2 years under NRS 207.010(1)(a). Appellant failed to demonstrate that the district court relied upon any mistakes about appellant's criminal record that worked to his extreme detriment. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore,

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

we conclude that the district court did not err in denying the motion, and we

ORDER the judgment of the district court AFFIRMED.²

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Stefany Miley, District Judge
Chad Brink
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We further conclude that the district court did not abuse its discretion in denying a request for appointment of counsel.