

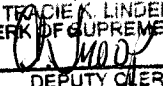
IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS J. FRANK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55428

FILED

SEP 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to run sentences concurrently.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.

In his motion, appellant requested the district court order sentences previously imposed consecutively to run concurrently with one another. Because of the nature of the relief sought, we construe the motion to be a motion for modification of sentence and conclude the district court did not err in denying the motion. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See

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

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

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Doug Smith, District Judge
Thomas J. Frank
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk