

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNESTO ARTURO VIZCARRA-
CAZAREZ A/K/A ERNESTO A.
VIZCARRACAZAREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56643

FILED

JAN 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a motion for sentence modification.¹ Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

In his motion filed on July 15, 2010, appellant argued that his sentence should be modified because his co-defendant received a lesser sentence and appellant's criminal history did not warrant a four to ten-year sentence for trafficking in a controlled substance. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). We

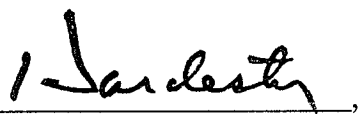
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

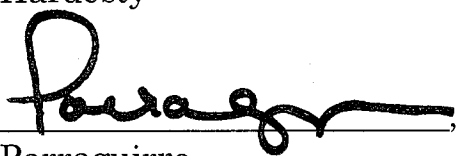
ORDER the judgment of the district court AFFIRMED.²



Saitta J.



Hardesty J.



Parraguirre J.

cc: Hon. James M. Bixler, District Judge
Ernesto Arturo Vizcarra-Cazarez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We 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.