

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL FLORES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57097

**FILED**

**JUN 08 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 denying a motion for sentence modification.<sup>1</sup> Eighth Judicial District Court, Clark County; Doug Smith, Judge.

In his motion filed on September 29, 2010, appellant claimed that his consecutive sentences for robbery with a deadly weapon should be modified because he was not armed during the robbery, because the co-defendant who was armed was allowed to enter into a guilty plea that did not include a deadly weapon enhancement, and because the deadly weapon enhancement was required to be submitted to a jury and proved by the State. 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). Appellant entered a guilty plea to the crime of robbery

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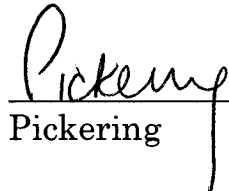
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

with the use of a deadly weapon; thus, the district court was within its authority to impose the deadly weapon enhancement.<sup>2</sup> We therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

Cherry  
 \_\_\_\_\_, J.  
Gibbons

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

cc: Hon. Doug Smith, District Judge  
Samuel Flores  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>See Blakely v. Washington, 542 U.S. 296, 303 (2004) (stating that precedent makes it clear that the statutory maximum that may be imposed is "the maximum sentence a judge may impose solely on the basis of the facts reflected in the jury verdict or admitted by the defendant").

<sup>3</sup>We 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.