

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR SIMMONS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58112

**FILED**

**JUL 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 denying a motion to modify sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

In his motion filed on February 24, 2011, appellant claimed that the district court relied on mistakes in the presentence report. In particular, appellant claimed that the presentence report falsely stated that he had escaped from Spring Mountain Youth Camp, when in fact he was kicked out and sent to a juvenile detention center. Appellant also claimed that the presentence report contained the wrong date and/or place for his interview with the Department of Parole and Probation, which led to an incorrect statement that he expressed no remorse. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See

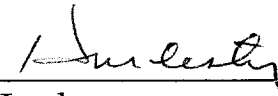
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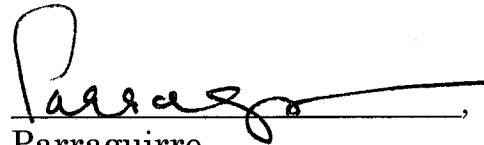
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 3 24 (1996). 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>2</sup>

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

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

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

cc: Hon. Jerome T. Tao, District Judge  
Victor Simmons  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</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.