

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL GRAY A/K/A MICHAEL  
ALBERT GRAY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58173

**FILED**

OCT 05 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Angress*  
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; Michelle Leavitt, Judge.


In his motion filed on February 18, 2011, appellant claimed that the district attorney misstated his prior incarcerations at the sentencing hearing and that the district court relied on this information. 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

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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).

(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.  
Pickering

  
\_\_\_\_\_, Sr. J.  
Rose

  
\_\_\_\_\_, Sr. J.  
Shearing

cc: Hon. Michelle Leavitt, District Judge  
Michael Gray  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>The Honorables Robert Rose and Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.