

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD THOMAS DEVINE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58219

FILED

SEP 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

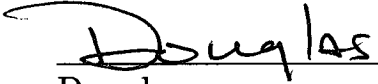
This is a proper person appeal from an order denying a motion for modification of sentence.¹ Second Judicial District Court, Washoe County; Brent T. Adams, Judge.


In his motion filed on September 29, 2010, appellant requested his sentence be modified because he had been employed when the crime was committed and he had no prior convictions. 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

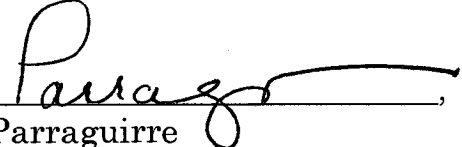
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Gerald Thomas Devine
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk