

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN L. RUSH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58422

**FILED**

**NOV 18 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; Linda Marie Bell, Judge.


In his motion filed on March 30, 2011, appellant claimed that the presentence investigation report contained errors. 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). The district court found that none of the errors about his personal information influenced his sentence and that errors relating to his prior convictions and incarceration terms did not prejudice him as his record is significant, he was sentenced within the range permitted by statute, and he received

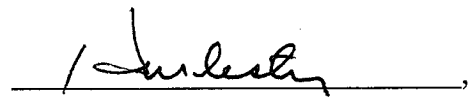
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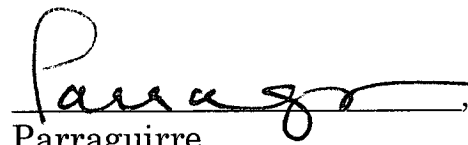
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

the sentence he agreed to serve if he failed to appear for sentencing.<sup>2</sup>  
Based on these findings, we 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.  
Douglas

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

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

cc: Hon. Linda Marie Bell, District Judge  
John L. Rush  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>Appellant did indeed fail to appear for sentencing.

<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.