

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT J. STOLTZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59101

**FILED**

JUN 14 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
DEPUTY CLERK


ORDER OF AFFIRMANCE


This is an appeal from an order of the district court denying a motion to modify or correct an illegal sentence. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

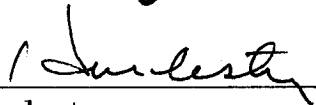
Appellant Robert Stoltz's sole contention on appeal is that the district court erred in denying his motion to correct or modify his sentence. He asserts that the district court incorrectly based his sentence of life without the possibility of parole on the belief that he could be eligible for commutation and later release, whereas his prior parole history precluded that possibility under NRS 213.1099(4). We conclude that this argument lacks merit. Stoltz 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). Stoltz focuses on a statement made by the district court during the plea canvass. But the statement merely reflects the court's effort to notify Stoltz of the maximum sentence he faced by pleading guilty and was not an assertion as to the district court's understanding of Stoltz's criminal history. Notably, as Stoltz did not include a transcript of the sentencing proceedings in this appeal, we are unable to ascertain on what

basis the district court determined his sentence. See NRAP 9(a); Riggins v. State, 107 Nev. 178, 182, 808 P.2d 535, 538 (1991) (providing that when appellant fails to provide necessary materials for this court's review, this court presumes missing portions support district court's decision), rev'd on other grounds, 504 U.S. 127 (1992). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Brent T. Adams, District Judge  
Story Law Group  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk