IN THE SUPREME COURT OF THE STATE OF NEVADA

LONNIE JAY LOUCKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60001

FILED

SEP 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

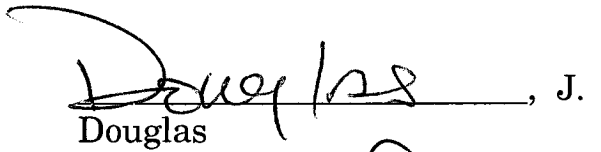
This is an appeal from a district court order denying appellant Lonnie Jay Loucks motion to modify his sentence. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Loucks argues that the district court erroneously denied his motion to modify his sentence because the presentence investigation report (PSI) contained a material error, namely, that he had a conviction for open and gross lewdness where he had been allowed to withdraw his guilty plea to that charge and plead guilty to disorderly conduct after successfully completing probation. He suggests that had the PSI been accurate, the district court would have imposed a lesser sentence than the 60- to 180-month prison term to which he had stipulated under a plea agreement for his current offense of attempted sexual assault of a minor under 14 years of age. Because the district court was aware of the error in the PSI and, in fact, ordered the PSI to be corrected, we conclude that Loucks failed to show that the district court relied on any mistaken assumption about his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324

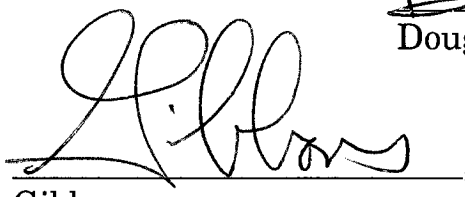
(1996). Accordingly, the district court did not err by denying his motion for sentence modification.[1]

Having considered Loucks argument and concluded that no relief is warranted, we

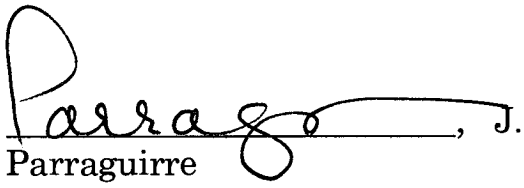
ORDER the judgment of the district court AFFIRMED.



_____, J.
Douglas



_____, J.
Gibbons



_____, J.
Parraguirre

cc: Hon. Douglas W. Herndon, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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[1]To the extent Loucks argues that the district court erred by proceeding with sentencing when it was aware of a material error in the PSI, that matter is not properly raised in this appeal.