

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALVIN RODRIGUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60458

FILED

OCT 08 2012

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion to modify sentence.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.


In his motion filed on February 3, 2012, appellant claimed that the district court relied on errors in the presentence report regarding his contact with authorities and the number of times he was previously incarcerated. Appellant further claimed his counsel was ineffective for failing to review the presentence investigation report with him and failing to object to the State's characterization that this offense was not related to a trafficking offense in a different case. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment.² See Edwards v.

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).

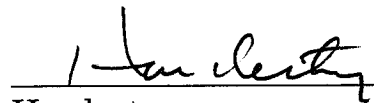
²Appellant's claims of ineffective assistance of counsel fell outside the scope of claims permissible in a motion to modify sentence.

State, 112 Nev. 704, 708, 918 P.2d 321, 324 (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.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Valerie Adair, District Judge
Alvin Rodriguez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk