

IN THE SUPREME COURT OF THE STATE OF NEVADA

KURT SEBEARN WALLERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61238

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angelina*
DEPUTY CLERK

ORDER OF AFFIRMANCE

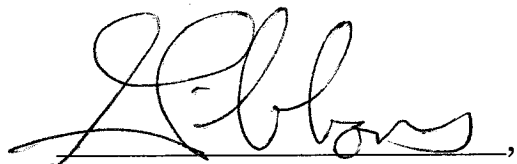
This is a proper person appeal from an order of the district court denying a motion for modification of sentence.¹ Third Judicial District Court, Lyon County; William Rogers, Judge.

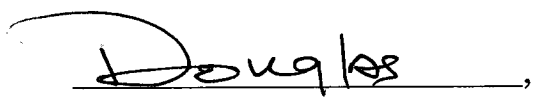
In his motion filed on June 6, 2012, appellant claimed he received ineffective assistance of counsel, the State withheld exculpatory evidence, law enforcement coerced his statements, the presentence investigation report contained tainted information, and a handwriting expert would demonstrate his written statement to the police had been altered. 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

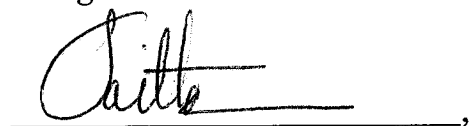
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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.²


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. William Rogers, District Judge
Kurt Sebearn Wallers
Attorney General/Carson City
Lyon County District Attorney
District Court Clerk

²We 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.