

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN D. LAXALT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62743

**FILED**

SEP 19 2013

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

*ORDER OF AFFIRMANCE*

This is a proper person appeal from an order of the district court denying a motion to modify sentence.<sup>1</sup> Tenth Judicial District Court, Churchill County; Robert E. Estes, Senior Judge.


In his motion filed on December 5, 2012, appellant claimed that the district court did not adequately consider his terminal illness when imposing a consecutive sentence. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his

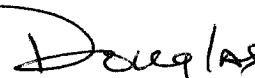
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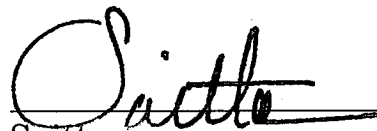
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

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

cc: Thomas L. Stockard, District Judge  
Robert E. Estes, Senior Judge  
Stephen D. Laxalt  
Churchill County District Attorney/Fallon  
Attorney General/Carson City  
Churchill County Clerk

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<sup>2</sup>We rescind the order for a supplemental record on appeal as the record on appeal filed on May 8, 2013, contains the documents necessary for this court's review.

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.