

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ALLEN CAPRI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62990

**FILED**

OCT 16 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
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 for temporary release on house arrest for the purpose of having surgery.”<sup>1</sup> Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

In his motion filed on November 27, 2012, appellant sought an order modifying his sentence so that he could be released on house arrest for 90 days, which would allow him to undergo and recover from a surgical procedure. Appellant’s claim was outside of the scope of a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708-09, 918 P.2d 321, 324-24 (1996). Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See id.* at 708, 918 P.2d at 324. We therefore


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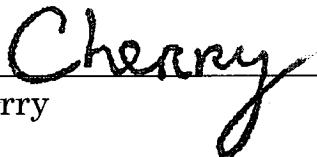
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

conclude that the district court did not err in denying appellant's motion. Accordingly, we

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

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Stefany Miley, District Judge  
Richard Allen Capri  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>We conclude that the district court did not err in denying appellant's motion for psychological evaluation and motion for transportation for surgery.

In addition, 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.