

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOEL MICHAEL RAKERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66098

FILED

MAR 17 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

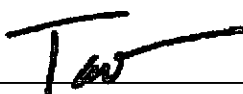
This is an appeal from an order denying a motion to modify sentence. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

On appeal, appellant claims that the district court erred by denying his motion to modify sentence filed on December 9, 2013. He claims the district court was incorrect when it concluded that new facts regarding appellant's mental state did not rise to a due process violation. Appellant fails to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment, or that his claim constituted a due process violation. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996); *Passanisi v. State*, 108 Nev. 318, 322-23, 831 P.2d 1371, 1373-74 (1992). Therefore,

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

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
Potter Law Offices
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk