

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONALD ANDERS WILSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66838

**FILED**

**MAR 17 2015**

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

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a motion to modify sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.


In his motion filed on September 11, 2014, appellant claimed that the presentence investigation report (PSI) erroneously stated that he had previously been charged with murder and the State erroneously argued at sentencing that his prior conviction involved the death of a person. In denying the motion, the district court specifically stated that its sentencing determination was not based on the error in the PSI and that it “in fact gave no credence to the suggestion in the [PSI] or argument of the State that there had been a death involved in [appellant’s] prior conviction.” The court stated that it based its sentencing determination on appellant’s actual prior convictions, the egregious facts in the instant case, as well as other information provided in the PSI.


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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).

Appellant has 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 321, 324 (1996). 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. Carolyn Ellsworth, District Judge  
Donald Anders Wilson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk