

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN LEE RUSH; A/K/A JOHN BRADY
A/K/A JOHN BRADLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67247

FILED

MAY 20 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to modify sentence.¹ Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

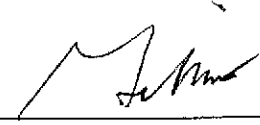
In his motion filed on December 1, 2014, appellant John Lee Rush claimed the district court relied upon an erroneous presentence investigation report (PSI) in reaching its sentencing decision.² However, the record reveals that Rush entered into a guilty plea agreement with the State. Under the terms of that agreement, Rush agreed to plead guilty to one count of burglary, the parties agreed to recommend Rush's own recognizance release, and Rush agreed to be sentenced to a prison term of


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

²Rush challenged the accuracy of the aliases listed, his social security number, his place of birth, his age, the number of times he was sent to prison, the dates of his imprisonment, and the number of felony convictions he has received.

48 to 120 months should he fail to appear for sentencing. The district court accepted Rush's guilty plea and released him on his own recognizance. Thereafter, Rush failed to appear for sentencing and was later sentenced to a prison term of 48 to 120 months. Given this record, we conclude Rush cannot demonstrate the alleged errors in his PSI worked to his extreme detriment because he received the sentence that he bargained for. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
John Lee Rush
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We have reviewed all documents that Rush has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Rush 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.