

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GARY MARION COSTA-AYRES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67553

**FILED**

MAY 19 2015

TRACI K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

GARY MARION COSTA-AYRES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67554 ✓

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*ORDER OF AFFIRMANCE*


These are consolidated appeals from orders of the district court denying three identical motions to modify sentence.<sup>1</sup> Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

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

In his motions filed on February 8, 2015, appellant Gary Costa-Ayres claimed there were errors in his presentence investigation report. Specifically, he claimed he only has four felonies, not six, his probation had only been revoked once, the offense synopsis was incorrect, and he had a commercial driver's license. Because counsel noted the errors regarding the felonies and probation at the sentencing hearing, Costa-Ayres failed to demonstrate 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). The other potential errors in the presentence investigation report did not implicate Costa-Ayres' criminal record and, therefore, these claims were outside the scope of a motion to modify sentence. *See id.* Therefore, we conclude the district court did not err in denying the motions, and we

ORDER the judgments of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Robert W. Lane, District Judge  
Gary Marion Costa-Ayres  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk