


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES DAVID OFELDT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67601

FILED

SEP 16 2015

TRACIE K. EINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a motion to modify sentence.¹ Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.


In his motion filed on November 24, 2014, appellant James Ofeldt claimed that errors in his presentence investigation report worked to his extreme detriment. Ofeldt 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). All of the errors complained of by Ofeldt were brought to the attention of the district court at sentencing. The district court noted them, and then heard argument on sentencing. The district court then specifically stated it did not consider arrests for which there was no disposition listed. Ofeldt also failed to demonstrate an erroneous

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude 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).

entry listing an arrest for battery causing substantial bodily harm worked to his extreme detriment because the disposition, resisting a public officer, was correct. He also failed to demonstrate the report's incorrect listing of whether Ofeldt was convicted by a jury or pleaded guilty to his prior convictions worked to his extreme detriment. Finally, Ofeldt's claims regarding his drinking, drug use, social history, and parole and probation procedures for investigating presentence reports are outside the scope of a motion to modify a sentence. Therefore, we conclude the district court did not err in denying the motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Steve L. Dobrescu, District Judge
James David Ofeldt
Attorney General/Carson City
White Pine County District Attorney
Attorney General/Ely
White Pine County Clerk