

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY LEE CHILDERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68208

FILED

MAR 16 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

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


In his motion filed on April 23, 2015, appellant Anthony Lee Childers claimed that during the sentencing hearing the State improperly informed the district court he had sodomized a woman at gunpoint and he had been to prison twice. Childers failed to demonstrate he was entitled to relief.


In this case, Childers was convicted of multiple counts of sexual assault, which included sodomizing the victim while threatening her with a firearm, and Childers failed to demonstrate it was improper for the State to discuss the facts of the case during the sentencing hearing. Moreover, Childers' presentence investigation report states he has been twice sentenced to serve a prison term. Therefore, Childers failed to

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

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). Accordingly, we conclude the district court did not err in denying Childers' motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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