

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARVIN D. PERKINS,

No. 36338

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 18 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Schick*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion for modification of his sentence.

On December 6 1983, the district court convicted appellant, pursuant to a jury verdict, of second degree murder. The district court sentenced appellant to serve a term of fifty years in the Nevada State Prison with 106 days of credit for time served. This court dismissed appellant's direct appeal.¹

On May 2, 2000, appellant filed a proper person motion for modification of his sentence in the district court. The State opposed the motion. On May 19, 2000, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that his sentence should be reduced from fifty years to thirty years because he has done well in certain programs in prison.

A motion to modify a sentence "is limited in scope to sentences based on mistaken assumptions about a defendant's criminal record which work to the defendant's extreme detriment."²

Our review of the record on appeal reveals that the district court did not err in denying appellant's motion. The issues raised by appellant fell outside the scope of claims cognizable in a motion to modify

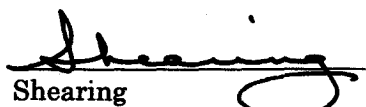
¹Perkins v. State, Docket No. 15558 (Order Dismissing Appeal, May 8, 1985).

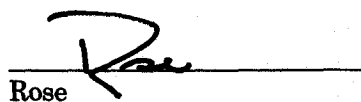
²Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

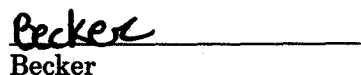
a sentence.³ In addition, there is no indication in the record that the district court relied on mistaken assumptions about appellant's criminal record in sentencing appellant.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Donald M. Mosley, District Judge
Attorney General/Carson City
Clark County District Attorney
Marvin D. Perkins
Clark County Clerk

³See id.

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).