

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71058

**FILED**

MAY 17 2017

ELIZABETH A. BROWN  
CLERK OF THE COURT  
BY *A. Wilcox*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Christopher Thomas appeals from an order of the district court denying the motion for modification of sentence he filed on June 16, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Thomas claims the district court erred by denying his claims the presentence investigation report (PSI) incorrectly stated how many felonies and misdemeanors he had previously been convicted of and the State argued inaccurate information regarding Thomas' criminal history. Thomas 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). Thomas failed to demonstrate the presentence investigation report was inaccurate regarding the number of felonies and misdemeanors. Further, he failed to demonstrate the State argued inaccurate information regarding his criminal history. *See Silks v. State*, 92 Nev. 91, 93-94, 545

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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

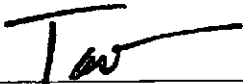
17-901013

P.2d 1159, 1161 (1976) (“[t]he court is privileged to consider facts and circumstances which clearly would not be admissible at trial.”). Therefore, we conclude the district court did not err in denying these claims.

Thomas also argues his sentence should be modified because the victim lied at the preliminary hearing and Thomas was not given an opportunity to question her at sentencing, the district court failed to “diligently search for the truth of the case before sentencing him,” and the offense synopsis contained in the PSI is inaccurate. Thomas did not raise these claims in his motion filed in the district court, and we decline to consider them for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
Silver, C.J.

  
Tao, J.

  
Gibbons, J.

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<sup>2</sup>We deny Thomas’ “motion for notice of *Brady* violation” filed on September 7, 2016.

cc: Hon. Douglas Smith, District Judge  
Christopher Thomas  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk