

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOEL CRUZ RIVEROL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72985

FILED

DEC 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joel Cruz Riverol appeals from a district court order denying the motion to modify a sentence he filed on January 18, 2016.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In his motion, Riverol claimed there were errors in his presentence investigation report (PSI), the security video footage would show he did not steal the wheelchair and strike the victim with a cane, he was deprived of effective assistance of counsel, and the jury committed misconduct.

“[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.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The district court may summarily deny a motion to modify sentence if the motion raises issues that fall outside of the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

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

We conclude the district court did not err by denying Riverol's motion because he failed to identify any errors in his PSI and his remaining claims fell outside the narrow scope of claims that may be raised in a motion to modify a sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Joel Cruz Riverol
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We have reviewed all documents Riverol has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Riverol has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.