

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID ANTHONY GONZALEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73167

**FILED**

APR 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

David Anthony Gonzalez appeals from an order of the district court denying the motion to modify sentence filed on April 17, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

In his motion, Gonzalez claimed there was insufficient evidence produced at trial to show he used a deadly weapon during his crimes. Gonzalez' claim fell outside the narrow scope of claims permissible in a motion to modify sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, we conclude the district court did not err by denying the motion.


Further, as a separate and independent ground to deny relief, Gonzalez failed to demonstrate insufficient evidence supported his conviction for use of a deadly weapon. The jury found Gonzalez used a deadly weapon during the crimes, and the Nevada Supreme Court found sufficient evidence to support the jury's verdict. *See Gonzalez v. State*,


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<sup>1</sup>This 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).

Docket No. 67148 (Order Affirming in Part, Reversing in Part and Remanding, May 12, 2016). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. William D. Kephart, District Judge  
David Anthony Gonzalez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk