

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVE BALES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73942

FILED

JUL 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Steve Bales appeals from a district court order denying a motion to modify sentence filed on July 19, 2017.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Bales appears to have claimed that his mental competency was questionable when he entered his guilty plea, he believed he had agreed to a prison term of 2½ to 12 years, the written guilty plea agreement is invalid because it is not substantially in the form prescribed by NRS 174.063, he was deprived of his right to a direct appeal, and his sentence constitutes cruel and unusual punishment.

“[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


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).

the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

We conclude the district court did not err by denying Bales' motion because he failed to demonstrate the district court relied upon mistaken assumptions about his criminal record, and his challenges to the validity of his guilty plea and sentence fall outside the narrow scope of claims that may be raised in a motion to modify sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Steve Bales
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk