

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JONATHAN IGNACIO BALDERAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73654

FILED

JUL 17 2018

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

ORDER OF AFFIRMANCE

Jonathon Ignacio Balderas appeals from an order of the district court denying the motion to modify or correct an illegal sentence filed on June 8, 2017.¹ Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Balderas claims the district court erred by denying his motion to modify or correct an illegal sentence. He asserts the State informed the district court he had received new charges prior to sentencing, but did not inform the district court the charges were dismissed at the preliminary hearing for lack of probable cause. Balderas asserts that, as a result of the State's misrepresentation, the district court sentenced him to serve 72 months in prison rather than granting him probation.

Balderas failed to demonstrate the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment or that his sentence was facially illegal or the district court lacked jurisdiction because Balderas' claim is belied by the record. *See*

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

Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The State informed the district court at sentencing that Balderas had been arrested for domestic violence but also informed the district court the charges had been dismissed. Therefore, we conclude the district court did not err by denying Balderas' motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. Tierra Danielle Jones, District Judge
Jonathan Ignacio Balderas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk