


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMUEL NATHANIEL BEASLEY, IV,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75408-COA

FILED

FEB 15 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Samuel Nathaniel Beasley, IV, appeals from an order of the district court denying a petition for a writ of mandamus.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

In his January 12, 2018, petition, Beasley claimed the presentence investigation report (PSI) contained inaccurate information concerning his prior criminal history. Beasley asserted the error caused his request for parole to be rejected and he requested the district court to order the Division of Parole and Probation to issue a corrected PSI.


A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). This court reviews an order resolving a petition for a writ of mandamus for an abuse of discretion. *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006).

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 district court has no authority to order amendment of a PSI after a defendant is sentenced, *Stockmeier v. State, Bd. of Parole Comm'rs*, 127 Nev. 243, 250, 255 P.3d 209, 213 (2011), and, therefore, the district court properly rejected Beasley's request for such an order. Accordingly, we conclude the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Samuel Nathaniel Beasley, IV
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk