

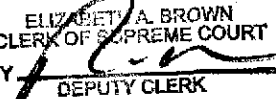
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERNEST DEAN CARPENTER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76587-COA

**FILED**

APR 18 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Ernest Dean Carpenter appeals from an order of the district court denying a motion to modify or correct an illegal sentence.<sup>1</sup> Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

In his motion filed on May 3, 2018, Carpenter claimed that the presentence investigation report contained errors concerning parole revocation dates and two misdemeanor offenses. Carpenter also asserted the sentencing court did not canvass him concerning those errors at the sentencing hearing. The district court reviewed the information contained in the record and noted the sentencing court did not rely upon any of the alleged errors, but rather found Carpenter committed numerous prior felonies. Based on the record, the district court found Carpenter failed to demonstrate the sentencing court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment when imposing sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321,

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

324 (1996). The record before this court supports the district court's findings and we conclude Carpenter is not entitled to relief.

Next, the district court found Carpenter failed to demonstrate that his sentence was facially illegal or the sentencing court lacked jurisdiction. The record supports the district court's findings and, therefore, we conclude the district court did not err by denying Carpenter's motion. *See id.* Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Egan K. Walker, District Judge  
Ernest Dean Carpenter  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>We conclude the district court did not abuse its discretion by declining to appoint counsel. *Cf. Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 760-61 (2017).