

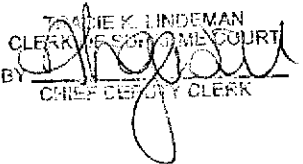
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES DAVID OFELDT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68322

FILED

DEC 18 2015

TRACIE K. LINDEMAN  
CLERK OF THE SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a motion to modify sentence.<sup>1</sup> Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

In his motion filed on January 21, 2015, appellant James Ofeldt claimed errors in his presentence investigation report regarding his criminal history worked to his extreme detriment. Specifically, he claimed: several of his convictions state he was convicted of the crime rather than he pleaded guilty; he is actually innocent of several of his convictions; two of his assault charges are listed incorrectly; his burglary conviction was double counted, and his battery conviction from November

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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).

11, 2002 actually had no charges filed.<sup>2</sup> Ofeldt failed to demonstrate the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, we conclude the district court did not err in denying these claims.

Ofeldt also claimed: he only had a few minutes to review his presentence investigation report prior to sentencing; the presentence investigation report improperly included his juvenile court record; the presentence investigation report did not consider his childhood history of drug abuse, or mental health issues; the presentence investigation report improperly mentioned his pretrial detention history; the presentence investigation report improperly stated this was a package deal with his codefendants; and the report improperly stated that he had been granted supervised release as a juvenile when that is required in Washington State. Ofeldt's claims fell outside the narrow scope of claims permissible in a motion to modify. *See id.* Therefore, without considering the merits of these claims, we conclude the district court did not err in denying them.

Further, Ofeldt has not shown that it was error for the court to view a juvenile record during sentencing, but even if we assume it was error for the district court to consider Ofeldt's juvenile court record because he was 21 at the time of sentencing, he failed to demonstrate it


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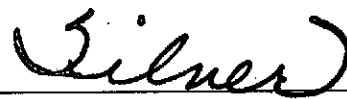
<sup>2</sup>We note Ofeldt's burglary conviction was not double counted and his conviction for battery on November 11, 2002 originally had no charges filed, but he was later rebooked and convicted on January 14, 2003.

worked to his extreme detriment. Ofeldt received the sentence he bargained for in the plea agreement. His 8 counts of robbery with the use of a deadly weapon in this case and his conviction for robbery with the use of the deadly weapon, burglary, and conspiracy to commit robbery with the use of a deadly weapon was justification enough to sentence him to consecutive time to his sentence for case number CR04-0649B. Therefore, the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Elliott A. Sattler, District Judge  
James David Ofeldt  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk