

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 68321

FILED

DEC 18 2015

TRACIE K. LINDEMAN
CLERK OF THE COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a motion to modify sentence.¹ 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; and his battery conviction from November 11, 2002 actually had no charges filed.² Ofeldt failed to demonstrate the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme


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).


²We note Ofeldt's conviction for battery on November 11, 2002 originally had no charges filed, but he was later rebooked and convicted on January 14, 2003.

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; 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. 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