

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACINTO CHAVEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70947

**FILED**

APR 19 2017

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

*ORDER OF AFFIRMANCE*

Appellant Jacinto Chavez appeals from a district court order denying his motion for modification of sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Eric Johnson, Judge.


Chavez claims the district court erred in denying his motion to modify sentence because his sentence was based on a misleading presentence investigation report (PSI). In his motion, Chavez claimed the PSI erroneously contained facts pertaining to the criminal charges the State agreed to dismiss, misconstrued the statements he made to the parole and probation specialist, improperly included his juvenile court record, and inappropriately listed offenses for which no dispositions were made. Chavez did not identify any material factual errors in the PSI and we conclude he has not demonstrated the district court relied on mistaken assumptions about his criminal record that worked to his extreme


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

detriment. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Eric Johnson, District Judge  
Jacinto Chavez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk