

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMY EVAN SIGAL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70367

FILED

FEB 23 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Jeremy Sigal appeals from a district court order denying a motion to modify his sentence filed on March 16, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

In his motion, Sigal claimed the facts for his current conviction and his prior convictions for DUI did not actually amount to a DUI, and therefore, the district court should not have considered his prior convictions in sentencing him. He also claimed he followed all of the terms of his Felony DUI program and his termination from that program should not have been used to “enhance” his sentence. Sigal fails to demonstrate there were errors in his criminal record as he was convicted of the DUI in the instant case and was convicted of his previous DUIs. A motion to modify is not the proper vehicle to challenge the sufficiency of the evidence of the instant case or his previous DUIs or the constitutionality of NRS 484C.110. Further, Sigal was terminated from

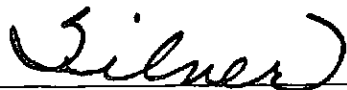
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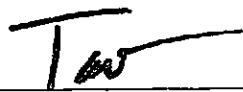
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


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the Felony DUI program and it was not error for the district court to consider that at sentencing. Therefore, Sigal 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), and, we conclude the district court did not err in denying Sigal's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Kathleen E. Delaney, District Judge  
Jeremy Evan Sigal  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk