

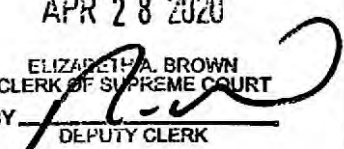
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD JEROME POLK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79701-COA

**FILED**

APR 28 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

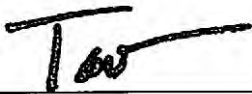
Gerald Jerome Polk appeals from a district court order denying motions for modification of sentence filed on July 15, 2019, and July 19, 2019. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

On appeal, Polk claims the district court erred by denying his claim that his sentence should be modified because the presentence investigation report (PSI) mistakenly stated that he had previously been incarcerated three times. Polk claims he had only been incarcerated two times and this misinformation regarding his criminal record worked to his extreme detriment.

Even assuming it was error for the PSI to state Polk had been to prison three times rather than two, Polk's claim lacks merit. Given the nature of the crimes Polk committed and his prior criminal history, Polk failed to demonstrate the sentencing judge 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 by denying Polk's claim, and we ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Cristina D. Silva, District Judge  
Gerald Jerome Polk  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk