

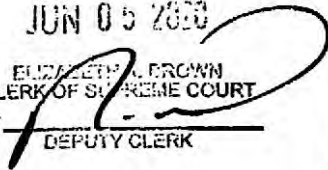
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES ERIC STEWART,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79175-COA

FILED

JUN 05 2019

ELIZABETH N. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER OF AFFIRMANCE

Charles Eric Stewart appeals from an order of the district court denying a motion for modification of sentence filed on April 25, 2019. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In his motion, Stewart claimed his presentence investigation report reflected a case that had been dismissed for insufficient evidence. Stewart 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 by denying Stewart's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹Stewart attempted to expand his argument in his informal brief on appeal. This constituted new argument not raised below, and we decline to consider it in this court in the first instance. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004).

