

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT ANTHONY HIGH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90664-COA

FILED

FEB 10 2026

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

ORDER OF AFFIRMANCE

Robert Anthony High appeals from a district court order denying a motion for modification of sentence filed on April 8, 2025. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

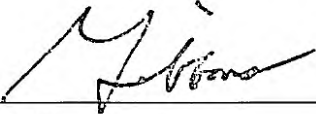
In his motion, High claimed the sentencing court relied on a mistaken assumption about his criminal record. In particular, High alleged the district court improperly relied on a 1998 felony conviction for grand larceny but High instead asserted he resolved the case by pleading guilty to a misdemeanor offense. “[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

In support of his claim, High attached to his motion a transcript from an entry of plea hearing purporting to show he pleaded guilty in New York to one count of unauthorized use of a vehicle in the third degree, a class A misdemeanor. See N.Y. Penal Law § 165.05 (McKinney 2025). High did not attach to his motion a copy of the judgment of conviction or offer any other evidence that showed he was actually convicted of this offense. Further, while the presentence investigation report listed the felony conviction at issue, and the parties and the district court highlighted it

during the sentencing hearing as part of the discussion regarding High's criminal record, the sentencing court did not indicate its sentencing decision was based upon High's criminal record or this specific conviction. Instead, the record reveals (1) the court presided over High's trial and was thus familiar with the facts of the crimes; (2) the court heard argument from the State about the facts and boldness of High's crimes, High's "predatory nature," and the impact of the crimes on the victim's family; (3) the court heard victim-impact statements from the victim's parents before imposing High's sentence; and (4) High did not challenge the felony conviction during sentencing. Accordingly, High failed to demonstrate his sentence was based on mistaken assumptions about his criminal record which worked to his extreme detriment. Therefore, we conclude the district court did not err by denying High's motion, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹Insofar as High challenges the denial of a petition to establish factual innocence, he did not designate any denial of such a petition in his notice of appeal, and we thus lack jurisdiction to consider arguments related to any denial of that petition. See NRAP 3(c)(1)(B) (providing that a notice of appeal must "designate the judgment, order, or part thereof being appealed"). Moreover, High does not argue that the district court erred by denying his motion for the appointment of counsel. Thus, we conclude High fails to demonstrate any error with respect to the denial of said motion.

cc: Hon. Michelle Leavitt, District Judge
Robert Anthony High
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

