

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED S. DENNIE, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41366

FILED

JUL 16 2003

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's motion for sentence modification.

On March 6, 2003, the district court convicted appellant, pursuant to a guilty plea, of one count of conspiracy to commit pandering, a gross misdemeanor. The district court sentenced appellant to serve a term of eight months flat time in the Clark County Detention Center. No direct appeal was taken.

On March 26, 2003, appellant filed a proper person motion for sentence modification. The State opposed the motion. On April 17, 2003, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that he should have been credited for four months of time served. Appellant claimed that he would not have entered a guilty plea if he had understood that he would not receive credit for time served.

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."<sup>1</sup> Our review of the record on

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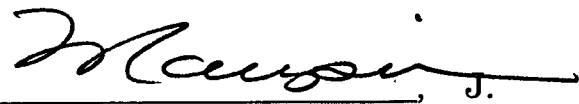
<sup>1</sup>Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

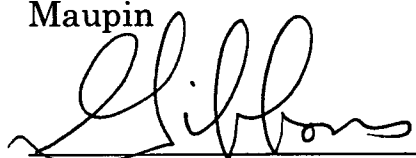
appeal reveals that the district court did not err in denying appellant's motion because his claim fell outside the narrow scope of claims permissible in a motion to modify a sentence. Appellant did not argue that the district court relied on any mistaken assumptions about his criminal record in sentencing appellant. Therefore, we conclude that the district court did not err in summarily denying appellant's motion.<sup>2</sup>

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

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

cc: Hon. John S. McGroarty, District Judge  
Alfred S. Dennie Jr.  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>Id. at 709 n.2, 918 P.2d at 325 n.2.

<sup>3</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>4</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.