

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY TERRELL HAMPTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42043

FILED

APR 27 2004

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 a motion for sentence modification.

On June 16, 1998, the district court convicted appellant, pursuant to a jury verdict, of one count of burglary, one count of first degree kidnapping, and one count of robbery. The district court sentenced appellant to serve in the Nevada State Prison a term of sixteen to seventy-two months for burglary, a consecutive term of life with the possibility of parole for kidnapping, and a consecutive term of twenty-six to one hundred and twenty months for robbery. On appeal, this court affirmed the convictions for burglary and robbery, but vacated the conviction for kidnapping.¹ The remittitur issued on January 2, 2002. The district court entered three amended judgments of conviction reflecting that the life sentence imposed for kidnapping had been vacated.

¹Hampton v. State, Docket No. 32378 (Order Affirming in Part and Vacating in Part, December 4, 2001).

On August 4, 2003, appellant filed a proper person motion for sentence modification in the district court. On January 9, 2004, the district court denied appellant's motion. This appeal followed.


In his motion, appellant claimed that the presentence report contained false information about whether he had been committed to a youth camp. Appellant further claimed that his sentence should be modified because the kidnapping charge weighed heavily in the sentencing recommendation and the kidnapping charge had been vacated on appeal.


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."² A motion to modify a sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied.³ Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's motion. Appellant failed to demonstrate that his sentence was based upon mistaken assumptions about his criminal record that worked to his extreme detriment. Therefore, we affirm the order of the district court.

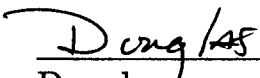
²Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

³Id. at 708-09 n.2, 918 P.2d at 325 n.2.

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.⁴ Accordingly, we ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Donald M. Mosley, District Judge
Anthony Terrell Hampton
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).