

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCEL DE CAMBRE THOMPSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79379-COA

**FILED**

**JUN 12 2020**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Yoney  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*


Marcel De Cambre Thompson appeals from a district court order denying a motion to modify sentence filed on January 14, 2019. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

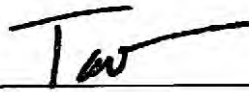
Thompson contends the district court erred by denying his motion to modify his sentence. To prevail, Thompson had to demonstrate the sentencing court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). In his motion, Thompson argued the sentencing court considered a felony conviction erroneously listed in Thompson's presentence investigation report and it resulted in the sentencing court imposing consecutive instead of concurrent sentences. The district court judge who resolved the motion to modify sentence was also Thompson's sentencing judge.

The district court judge stated that she reviewed the sentencing transcripts and her own recollection of the sentencing hearing. She concluded that she did not rely on the prior felony conviction in imposing sentence and, accordingly, any error did not work to Thompson's extreme

detriment. The record supports this conclusion. Immediately before imposing sentence, the sentencing judge stated that she was basing her decision on the State's arguments (which were aimed at Thompson's guilt and the impact on the victim) and Thompson's history of violent misdemeanors. We therefore conclude the district court did not err by denying Thompson's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Connie J. Steinheimer, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk