

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT WHITE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86902-COA

**FILED**

JAN 30 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY Elizabeth A. Brown  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Robert White appeals from an order of the district court denying a motion for modification of sentence filed on May 9, 2023. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

In his motion, White claimed the sentencing court relied on mistaken assumptions about his criminal record when imposing his sentence. “[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).

First, White claimed the presentence investigation report (PSI) improperly contained information unrelated to the instant offenses, including information related to other dismissed offenses and victim statements describing conduct never found to be true. The district court found that the information in the PSI was related to charged offenses that were dismissed in exchange for White’s plea to the instant offenses. White does not dispute these findings, and they are supported by the record. In

addition, nothing in the record before this court suggests that the district court was influenced by the challenged information. Thus, White did not demonstrate that the district court relied upon mistaken assumptions regarding his criminal record that worked to his extreme detriment. Therefore, we conclude the district court did not err by denying this claim.


Second, White claimed that the State inaccurately argued at sentencing that White “committed other crimes in St. George.” White did not dispute the State’s comment at sentencing, and the record contains no detail about what White was alleged to have done in St. George. Further, the district court made no mention of St. George during sentencing, and nothing in the record before this court suggests that the district court was influenced by the challenged comment. Thus, White did not demonstrate that the district court relied upon mistaken assumptions regarding his criminal record that worked to his extreme detriment. Therefore, we conclude the district court did not err by denying this claim.

On appeal, White contends that the district court failed to properly consider the exhibits included with his motion and denied the motion without any sound explanation as to why. White’s exhibits included the PSI; the sentencing hearing transcript; the information from the present case; the information from C-17-327639-2, a case listed as dismissed in the PSI; and court documents from 17F13735A, another case listed as dismissed in the PSI, which showed that the case had been dismissed. The district court’s order included discussion of the information contained in White’s exhibits and likewise clearly explained why it was denying White’s motion. Therefore, we conclude White failed to demonstrate the district

court failed to consider his exhibits or denied his motion without sound explanation. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Mary Kay Holthus, District Judge  
Robert White  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Insofar as White raises other arguments on appeal that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.