

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHAWN MICHAEL KENNEDY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69751

FILED

SEP 28 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a motion for modification of sentence.¹ Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Appellant Shawn Michael Kennedy argues the district court erred in denying his October 6, 2015, motion. Kennedy asserts the sentencing court improperly discussed and considered Kennedy's participation in the juvenile Rite of Passage program because his juvenile records should have been sealed. Kennedy fails to demonstrate he is entitled to relief.

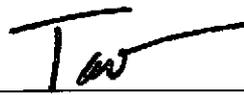
At the sentencing hearing, the sentencing court stated it imposed lengthy prison terms due to the violent nature of Kennedy's offenses and the court's concern that Kennedy posed a serious risk of future danger to the community. Given the reasons stated on the record for the imposition of a lengthy sentence, Kennedy fails to demonstrate the

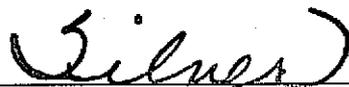
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

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). Therefore, we conclude the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Lynne K. Simons, District Judge
Shawn Michael Kennedy
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk