

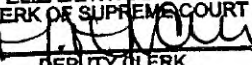
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYMOND A. GARRETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87517-COA

FILED

MAY 08 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

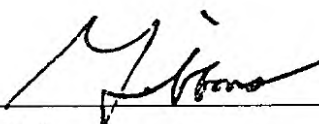
Raymond A. Garrett appeals from a district court order denying a motion to modify or correct an illegal sentence filed on September 1, 2023. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

In his motion, Garrett claimed his sentence should be modified or corrected because (1) the judgment of conviction states restitution is “payable through the Division of Parole and Probation” when restitution is a matter for a civil action that must be enforced by a writ of execution; (2) the judgment of conviction is not final because it does not set an amount of restitution for each victim and does not identify the victims as required by NRS 176.033(3) and NRS 176.105(1)(c); and (3) the Nevada Department of Corrections (NDOC) is illegally enforcing the restitution order by seizing funds from his prison account, and there is no indication of who is receiving the money. Garrett also contended that NDOC’s enforcement of the court-ordered restitution award is illegal because his judgment of conviction was overturned in 2018.

“[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). A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Id.* Without considering the merits of Garrett's claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Accordingly, we conclude the district court did not err by denying Garrett's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

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