


IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY CARL MCLIECHEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48119

FILED

JUN 22 2007

WYETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to correct the judgment. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

On June 25, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted murder with the use of a deadly weapon. The district court sentenced appellant to serve two consecutive terms of two to ten years in the Nevada State Prison. Appellant was given 100 days' credit for time served.

On January 6, 2006, appellant filed a motion for an amended judgment of conviction, in which he sought an additional 477 days' credit for time served while he was being held in Michigan on a Nevada warrant. The State opposed the motion, and appellant filed a reply. On June 26, 2006, the district court denied appellant's motion, finding that appellant was not entitled to additional credit for time served while in Michigan because appellant was being held on numerous offenses committed in

Michigan in addition to being held on the Nevada warrant. Appellant did not appeal the decision of the district court.

On July 26, 2006, appellant filed a proper person "Motion to Correct Judgment to Reflect Sentence Concurrent Per NRS 176.035(1)." The State opposed the motion, and appellant filed a reply. On September 8, 2006, the district court denied appellant's motion on the basis that the motion sought additional credit and was untimely filed. This appeal followed.

In his motion, appellant claimed that because the district court did not indicate whether his sentence in this matter was to be served concurrent with or consecutive to his sentence in Michigan, NRS 176.035(1) required that the sentence be imposed concurrent to the Michigan sentence. Appellant sought modification of his sentence and the judgment of conviction and requested that his sentence be imposed to run concurrent to the Michigan sentence.

Time constraints and procedural defaults do not necessarily apply to motions to modify a sentence.¹ Because appellant sought modification of his sentence, we conclude that the district court erred by denying appellant's motion on the basis that it was untimely filed.

¹See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Nevertheless, because the district court reached the correct result, we affirm the district court's denial of appellant's motion.²

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."³ A motion to modify a sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied.⁴

Appellant's claim that NRS 176.035(1) required his sentence in this matter to be run concurrent with his Michigan sentence fell outside the narrow scope of claims permitted in a motion to modify a sentence. Accordingly, we affirm the denial of appellant's motion.

Moreover, appellant's claim lacked merit. The record reveals that the district court judge specifically stated that he was not going to make an order in this matter about whether appellant's sentence should run concurrent with or consecutive to appellant's Michigan sentence. Because appellant was under sentence for the Michigan offenses prior to being sentenced in this matter, NRS 176.045(4) required that appellant's

²See Kraemer v. Kraemer, 79 Nev. 287, 291, 382 P.2d 394, 396 (1963) (holding that a correct result will not be reversed simply because it is based on the wrong decision).

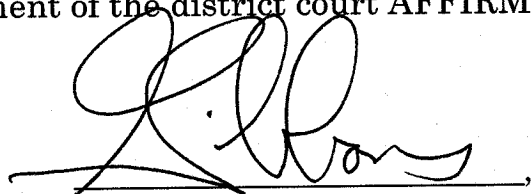
³Edwards, 112 Nev. at 708, 918 P.2d at 324.

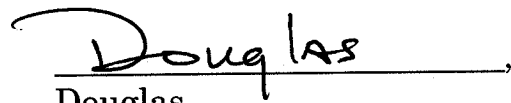
⁴Id. at 708-09 n.2, 918 P.2d at 325 n.2.

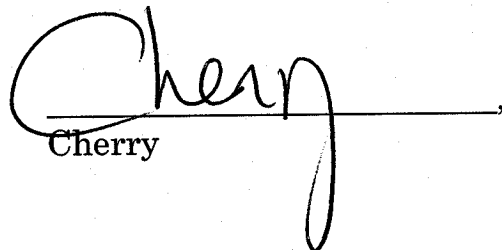
sentence in this matter begin after all prior sentences imposed in other jurisdictions expired.

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Gibbons

 J.
Douglas

 J.
Cherry

cc: Hon. Steven R. Kosach, District Judge
Anthony Carl McLiechey
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

⁵See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).