

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANNY LEE WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69185

FILED

APR 20 2016

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

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion for modification and/or correction of an illegal sentence.¹ Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Appellant Danny Williams claims the district court erred by denying his motion because the sentencing court failed to make particularized findings before adjudicating him a habitual criminal, his arguments were not barred by the doctrine of the law of the case, and the district court failed to consider his reply brief before entering the order denying his motion.

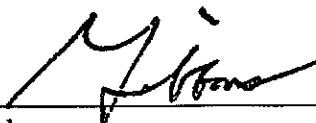
“[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or


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

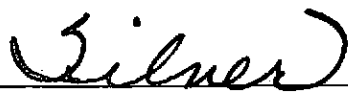
the sentence was imposed in excess of the statutory maximum. *Id.* The district court may summarily deny a motion to modify or correct an illegal sentence if the motion raises issues that fall outside of the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

Without considering the merits of Williams' habitual-criminal-adjudication claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence and therefore the district court did not err by denying Williams' motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Janet J. Berry, District Judge
Danny Lee Williams
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²We have considered all documents filed or received in this matter and conclude no relief is warranted.