

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JODY ALEXANDER FURNARE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71629

FILED

AUG 15 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


Jody Alexander Furnare appeals from an order of the district court denying a motion to correct an illegal sentence.¹ Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.


Furnare argues the district court erred in denying his March 17, 2016, motion to correct an illegal sentence. In his motion, Furnare claimed he suffered from a fundamental miscarriage of justice because he is actually innocent and his trial counsel was ineffective. Furnare's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To the extent Furnare also requested a modification of his sentence, his claims were not within the scope of a motion to modify sentence. *See id.* Therefore, without considering the merits of any of the

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

claims raised in the motion, we conclude the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Montero, District Judge
Jody Alexander Furnare
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk