

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT CHARLES BARROWS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72506

FILED

FEB 13 2018

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

ORDER OF AFFIRMANCE

Robert Charles Barrows, Jr. appeals from a district court order summarily denying the motion to modify or correct an illegal sentence he filed on October 21, 2016.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Barrows claimed in his motion that he was deprived of effective assistance of counsel because counsel failed to advise him of his right to appeal and failed to file a notice of appeal on his behalf.

“[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. 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.* The district court may summarily deny a motion to modify or correct an illegal sentence if the motion raises


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


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 Barrows' ineffective-assistance-of-counsel 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 Barrows' motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. William D. Kephart, District Judge
Robert Charles Barrows, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk