

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT JAMES WALSH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73137

FILED

JUN 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Robert James Walsh appeals from a district court order denying a motion to modify or correct an illegal sentence filed on December 19, 2016.¹ Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

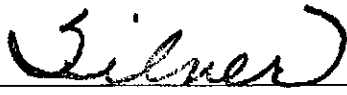
Walsh claimed his sentence is illegal because the State failed to present any evidence that he was predisposed to commit the crime and therefore he must have been entrapped into committing the offense of trafficking in a schedule I controlled substance in excess of 28 grams.

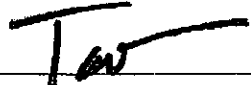
“[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to correct an illegal sentence may only challenge 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.*


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).

Without considering the merits of Walsh's claim, we conclude it fell 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 his motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Kimberly A. Wanker, District Judge
Robert James Walsh
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk