

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TYWANN WATERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75076-COA

**FILED**

MAR 20 2019

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

*ORDER OF AFFIRMANCE*

Tywann Waters appeals from a district court order denying a motion to modify sentence filed on January 8, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Waters claimed his sentence should be modified because his crime was one of theft, the proceeds were used to support his new-born daughter, he now has a job waiting for him, and he will earn a good income to support him and his daughter. He offered to pay fines, fees, and assessments instead of serving his sentences.

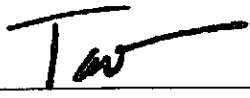
“[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). The district court may summarily deny a motion to modify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

---

<sup>1</sup>This 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).

We conclude the district court did not err by denying Waters' motion because his claims fell outside the narrow scope of claims that may be raised in a motion to modify a sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Douglas Smith, District Judge  
Tywann Waters  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk