

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHAYLON JOHN SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71009

**FILED**

APR 19 2017

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

*ORDER OF AFFIRMANCE*

Appellant Shaylon John Smith appeals from a district court order denying the motion to modify or correct an illegal sentence he filed on June 13, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

In his motion, Smith claimed the sentencing court erred by increasing the restitution amount and miscalculating his credit for time served, imposing a sentence for burglary that was greater than the sentence discussed in the guilty plea agreement, and imposing multiple sentences and weapons enhancements for his robbery-with-the-use-of-a-deadly-weapon counts.<sup>2</sup> These claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

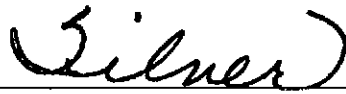
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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

<sup>2</sup>Smith further claimed NRS 200.380 conflicts with NRS 123.220 (the community property statute) and is ambiguous.

Smith also claimed his presentence investigation report contained misleading and inaccurate information regarding his arrests and prior convictions, his tattoos, the presentence credit amount, and the factual circumstances of the instant offense. However, we conclude Smith failed to demonstrate the district court relied on mistaken assumptions about his criminal record that worked to his extreme detriment. *See id.* Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

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

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

cc: Hon. Eric Johnson, District Judge  
Shaylon John Smith  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk