

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALFRED CHRISTOPHER GONZALES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78140-COA

FILED

DEC 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Alfred Christopher Gonzales appeals from an order of the district court denying a motion for modification of sentence filed on December 5, 2018. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Gonzales pleaded guilty to battery by a prisoner, was adjudicated a habitual criminal, and sentenced to a term of 5 to 20 years in prison. His motion challenged the process by which his habitual criminal sentence was imposed.

Insofar as Gonzales sought to modify his sentence, he failed to allege his sentence was based on mistaken assumptions about his criminal record that worked to his extreme detriment. Accordingly, Gonzales' claim was outside the scope of a motion to modify a sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

Insofar as Gonzales sought to correct his allegedly illegal sentence to a term of one to six years in prison, a motion to correct an illegal sentence cannot "be used as a vehicle for challenging the validity of a judgment of conviction or sentence based on alleged errors occurring at trial


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or sentencing." *Id.* Accordingly, Gonzales' claim was outside the scope of a motion to correct an illegal sentence.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Robert W. Lane, District Judge
Alfred Christopher Gonzales
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk