

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GLENN MILLER DOOLIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80223-COA

FILED

JUN 12 2020

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

ORDER OF AFFIRMANCE

Glenn Miller Doolin appeals from an order of the district court denying a motion to modify sentence filed on October 10, 2019. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

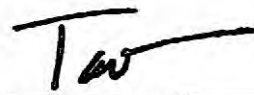
Doolin contends the district court abused its discretion by concluding it lacked jurisdiction to modify the portion of Doolin's sentence that he had not yet begun to serve. In his motion below, he pointed to evidence showing long prison sentences for low-level offenses such as his are counterproductive and argued this evidence demonstrated his sentence was based on a materially untrue assumption. Doolin relied on *Passanisi v. State*, 108 Nev. 318, 831 P.2d 1371 (1992), *overruled on other grounds by Harris v. State*, 130 Nev. 435, 447, 329 P.3d 619, 627 (2014), and *Edwards v. State*, 112 Nev. 704, 918 P.2d 321 (1996), to support his arguments.

Regardless of whether the district court had jurisdiction to reach Doolin's substantive argument, Doolin is not entitled to relief. "[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*, 112 Nev. at 708, 918 P.2d at 324; *accord Passanisi*, 108 Nev. at 322-23, 831 P.2d at 1373-74. Doolin did

not argue the challenged assumption was about his criminal record nor that it worked to his extreme detriment. Accordingly, Doolin's argument was outside the scope of a motion to modify a sentence. We therefore conclude the district court did not err by denying Doolin's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Kathleen E. Delaney, District Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk