

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONNELL PATRICK PUGH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80166-COA

**FILED**

**AUG 12 2020**

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

*ORDER OF AFFIRMANCE*

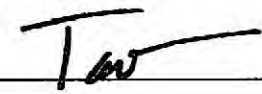
Donnell Patrick Pugh appeals from an order of the district court denying a motion to modify sentence filed on October 28, 2019. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

In his motion, Pugh claimed that his sentence should be modified because his juvenile record should not have been considered by the district court. At sentencing, the State informed the district court that while Pugh did not have an adult criminal history, he had a history of burglaries as a juvenile in California. The district court stated at sentencing that it was imposing a life term based solely on the facts of the crime, and never mentioned Pugh's juvenile record. Therefore, even assuming it was error for the State to introduce information regarding Pugh's juvenile record, Pugh failed to demonstrate the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we conclude the district court did not err by denying this claim.

Next, Pugh claimed the State erred by speculating regarding his reasoning for committing the crimes and for introducing his juvenile record at sentencing. Pugh also claimed counsel was ineffective for failing to object to these alleged errors by the State. Pugh's claims fell outside the narrow scope of claims permissible in a motion to modify sentence. *See id.* Therefore, without considering the merits of these claims, we conclude the district court did not err by them as outside the scope. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

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

cc: Hon. Douglas W. Herndon, District Judge  
Donnell Patrick Pugh  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<sup>1</sup>We conclude the district court did not err by denying Pugh's motion for the appointment of counsel.