

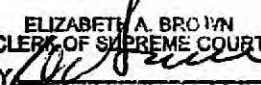
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN CHRISTOPHER GAZLAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79061-COA

FILED

AUG 28 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Christopher Gazlay appeals from an order of the district court denying a motion for modification or correction of an illegal sentence filed on April 12, 2019. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Gazlay claimed in his motion that his judgment of conviction should be corrected because it does not include the proper amount of jail time credits. “[A] claim for presentence credit is a claim challenging the validity of the judgment of conviction and sentence” and must “be raised on direct appeal or in a postconviction petition for a writ of habeas corpus filed in compliance with the requirements set forth in NRS chapter 34.” *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Therefore, this claim was not properly raised in a motion to modify or correct an illegal sentence.¹


Gazlay also claimed his sentence was illegal because the trial court lacked the authority to order his sentence to be served consecutively

¹We express no opinion as to whether Gazlay could meet the procedural requirements for filing a direct appeal, *see* NRAP 4(b), or for filing a postconviction habeas petition, *see* NRS chapter 34.

to another case. Therefore, he claimed his judgment of conviction should be corrected to state that his sentence should be served concurrently to the other case. Pursuant to NRS 176.035(1), the trial court had discretion to sentence Gazlay to consecutive time. Accordingly, Gazlay failed to demonstrate the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment and failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction to sentence him. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, we conclude the district court did not err by denying Gazlay's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Ronald J. Israel, District Judge
Steven Christopher Gazlay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk