

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ANTHONY WAYNE DEGEN,  
SR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80531-COA

**FILED**

**OCT 16 2020**

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

*ORDER OF AFFIRMANCE*

John Anthony Wayne Degen, Sr., appeals from an order of the district court denying a motion for modification of sentence and a motion to correct an illegal sentence. Second Judicial District Court, Washoe County; David A. Hardy, Judge.


In his motion for modification of sentence filed on September 11, 2019, Degen claimed he was convicted of crimes he did not commit and the evidence was insufficient to support the guilty verdict. Degen's claims fell outside the narrow scope of claims permissible in a motion for modification of sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude the district court did not err by denying the motion.

In his motion to correct an illegal sentence filed on October 23, 2019, Degen claimed the sentencing court imposed a de facto sentence of life without the possibility of parole by ordering him to serve all of his terms consecutively. Degen contended the sentencing court did not have statutory authority to impose such a sentence. Degen failed to demonstrate that his sentence was facially illegal or the district court lacked jurisdiction. *See id.*

NRS 176.035(1) plainly gives a sentencing court discretion to run subsequent sentences consecutively, *Pitmon v. State*, 131 Nev. 123, 128-29, 352 P.3d 655, 659 (Ct. App. 2015), and Degen failed to demonstrate the sentencing court improperly imposed consecutive terms in this matter. Therefore, we conclude the district court did not err by denying Degen's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. David A. Hardy, District Judge  
John Anthony Wayne Degen, Sr.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk