

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANK SALVATORE D'AGOSTINO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82200-COA

**FILED**

JUN 09 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK


*ORDER OF AFFIRMANCE*

Frank Salvatore D'Agostino appeals from an order of the district court denying a motion to correct illegal sentence. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

In his motion, D'Agostino claimed he was denied due process; the deadly weapon additional penalty provided through NRS 193.165 is unconstitutional; and the 2007 amendments to NRS 193.165 should be applied retroactively to his case. D'Agostino's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal 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. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jacqueline M. Bluth, District Judge  
Frank Salvatore D'Agostino  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk