

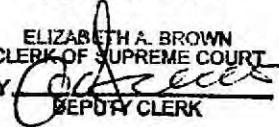
IN THE SUPREME COURT OF THE STATE OF NEVADA

NICOLE CHRISTINE FOLLOWILL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82307

**FILED**

SEP 16 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a pro se appeal from a district court order denying appellant Nicole Christine Followill's postconviction motion to modify a sentence. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.<sup>1</sup>

In her motion Followill raised a number of claims challenging the validity of her conviction and sentence, and the parole proceedings. Followill's claims, however, fell outside the narrow scope of claims permissible in a motion to modify sentence as they do not allege that her sentence was based on material mistakes about her criminal record that worked to her extreme detriment.<sup>2</sup> See *Edwards v. State*, 112 Nev. 704, 708,

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<sup>1</sup>Having considered the pro se brief filed by Followill, we conclude that a response is not necessary. NRAP 46A(c). This appeal has been submitted for decision based on the pro se brief and the records. See NRAP 34(f)(3).

<sup>2</sup>Insofar as Followill argues that NRS 176.033(2) (2019) and *Brown v. United States*, CR ELH-00-0100, 2020 WL 1248950 (D. Md. Mar. 16, 2020), warrant modification of her sentence, she is mistaken. Cf. 2019 Nev. Stat., ch. 633, §§ 10.5, 137, at 4381-82, 4488 (amending NRS 176.033 to remove the provision previously set forth at NRS 176.033(2)); *Board of Parole Comm'rs v. Second Judicial Dist. Court*, 135 Nev. 398, 401-02, 451 P.3d 73, 77 (2019) (providing that the version of NRS 176.033 in effect when the motion is filed applies). NRS 176.033(2) permitted the Board of Parole Commissioners to petition for relief for a parolee. Followill is not on parole,

918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude that the district court did not err in denying the motion.<sup>3</sup>

Having considered Followill's contentions and concluded that they do not warrant relief, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

Hardesty, C.J.  
Hardesty

Stiglich, J.  
Stiglich

Gibbons, Sr.J.  
Gibbons

cc: Hon. Thomas W. Gregory, District Judge  
Nicole Christine Followill  
Attorney General/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk

and NRS 176.033(2) does not provide a basis for her to petition for relief. *Brown* is an unpublished case from a different jurisdiction that concerned a request for relief on the basis of federal sentencing guidelines; the case does not apply Nevada law, and the federal guidelines do not apply to Followill.

<sup>3</sup>Followill has also filed a "Motion for Review Emergency Motion." Insofar as Followill requests some form of release from incarceration on the basis of uncertain circumstances regarding her son's housing, she has not stated a basis on which relief may be granted. Insofar as her motion seeks immediate review of this appeal, this order resolves all outstanding issues, and the request is now moot. *Cf.* NRAP 27(e) (stating rules governing requests for emergency or expedited relief).

<sup>4</sup>The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.