

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID MICHAEL BANNING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82777-COA

FILED

NOV 17 2021

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

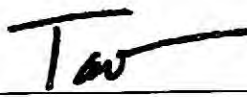
ORDER OF AFFIRMANCE

David Michael Banning appeals from an order of the district court denying a motion to modify sentence filed on February 11, 2021. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

In his motion, Banning claimed that he was entitled to additional presentence credits. “[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Without considering the merit of Banning’s claim, we conclude it falls outside the narrow scope of claims permissible in a motion to modify sentence. Therefore, we conclude the district court did not err by denying Banning’s motion, and we

ORDER the judgment of the district court AFFIRMED.

, C.J.
Gibbons

, J.
Tao

, J.
Bulla

cc: Hon. Carli Lynn Kierny, District Judge
David Michael Banning
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk