

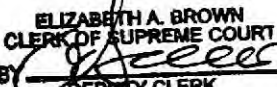
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT LEE MITCHELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83286-COA

FILED

JAN 20 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Robert Lee Mitchell appeals from an order of the district court denying a motion to modify sentence. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.


Mitchell argues the district court erred by denying his May 14, 2021, motion without first conducting an evidentiary hearing. In his motion, Mitchell requested a new sentencing hearing in this matter and in a separate, unrelated criminal case. Mitchell asserted that the sentences in both cases should have been imposed concurrently and contended that he should have been sentenced to a shorter term in the separate, unrelated case.

Mitchell's claims fell outside the narrow scope of claims permissible in a motion to modify 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 without conducting an evidentiary

hearing. See *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Kathleen M. Drakulich, District Judge
Robert Lee Mitchell
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk