

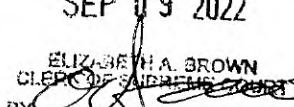
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEROY ROOSEVELT MACK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84671-COA

FILED

SEP 09 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Leroy Roosevelt Mack appeals from an order of the district court filed on April 29, 2022, denying several motions. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Mack argues the district court erroneously denied his motions in which he requested sentence modification.¹ “[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). The district court may summarily deny a motion to modify a sentence if the motion raises issues that fall outside of the very narrow scope of issues permissible in such a motion. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

In his motions, Mack claimed the presentence investigation report erroneously mentioned several stale convictions and omitted that he

¹These motions include the “motion for sentence modification based on presentence investigation finding” and “motion to correction sentence” filed on March 1, 2022; the “motion for sentence modification based on prosecution misconduct” filed on March 2, 2022; and the “motion to vacate sentence” filed on March 15, 2022.

volunteered to take a domestic violence class, his trial-level counsel abandoned him and rendered ineffective assistance of counsel, and the prosecutor committed misconduct. These claims do not allege that the district court relied on mistaken assumptions regarding Mack's criminal history and are thus outside the scope of a motion to modify sentence. Therefore, without considering the merits of these claims, we conclude the district court did not err by denying Mack's motions.²

Mack also appeals from an order denying his "motion to dismiss" filed on March 15, 2022, and his "motion to correct decision based on rule 2.20 ruling" filed on April 2, 2022. In these motions, Mack sought to dismiss his sentence because the State failed to comply with procedural rules in opposing his previous motions and sought reconsideration of the district court's March 22, 2022, order denying his previous motions, respectively. No statute or court rule permits an appeal from an order denying such motions. Therefore, we lack jurisdiction to consider this portion of Mack's appeal and order it dismissed. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) ("We have consistently held that the right to appeal is statutory; where no statutory authority to appeal is granted, no right to appeal exists.").

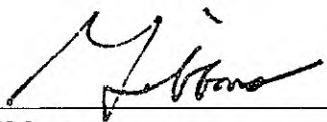
Finally, to the extent Mack alleges district court error in regard to his motions seeking his file from trial-level counsel and transcripts, we note the district court granted the substantive relief sought in the relevant

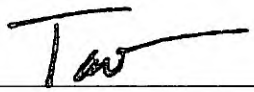
²Having concluded the district court did not err by denying Mack's motions seeking sentence modification, we further conclude that the district court did not err by denying Mack's "motion for assistance of counsel" filed on March 1, 2022; the "motion to resolve" filed on March 2, 2022; the "motion to transport" filed on March 9, 2022; and the "motion to transport referred to case C-21-358925-1" filed on March 15, 2022.

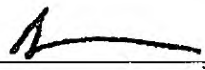
motions.³ Therefore, Mack was not an aggrieved party who may seek appellate relief regarding these motions. See NRS 177.015 (stating that only an aggrieved party in a criminal action may appeal to the appellate court of competent jurisdiction). To the extent Mack is seeking enforcement of the district court's order, he must do so in the district court. Accordingly, we also order this portion of Mack's appeal dismissed.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED in part and the appeal DISMISSED in part.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Ronald J. Israel, District Judge
Leroy Roosevelt Mack
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³The motions were entitled, respectively, "motion for contempt of court" and "motion for transcripts," and both were filed on March 15, 2022.