


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RANDOLPH JAMES MCGUIRE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84746-COA

FILED

NOV 23 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Randolph James McGuire appeals from an order of the district court denying a motion to modify and/or correct an illegal sentence filed on March 15, 2022. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In his motion, McGuire claimed the Nevada Department of Corrections (NDOC) failed to properly apply good time credits to his aggregated sentence and that this failure resulted in due process and equal protection violations and subjected him to cruel and unusual punishment. McGuire further claimed that NDOC and/or the district court were biased and prejudiced against him.

“[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). A motion to correct an illegal sentence may only challenge the facial legality of the sentence: either the district court was without jurisdiction to impose a sentence or the sentence was imposed in excess of the statutory maximum. *Id.* The district court may summarily deny a motion to modify or correct an illegal sentence if the

motion raises issues that fall outside of the very narrow scope of issues permissible in such motions. *Id.* at 708 n.2, 918 P.2d at 325 n.2.

Without considering the merits of McGuire's claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Therefore, we conclude the district court did not err by denying McGuire's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michelle Leavitt, District Judge
Randolph James McGuire
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk