


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAMON LAMAR CAMPBELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86265-COA

**FILED**

SEP 18 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Damon Lamar Campbell appeals from an order of the district court denying a “motion to modify or correct sentence and challenge the restitution award entered in the amended judgment of conviction” filed on July 6, 2022. Eighth Judicial District Court, Clark County; Erika Ballou, Judge.

In his motion, Campbell claimed his original and amended judgments of conviction were not final because they did not adequately define the terms of restitution. Campbell also challenged the restitution award and sought an evidentiary hearing.

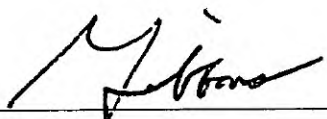
“[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to correct an illegal sentence may only challenge 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 Campbell's claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See id.* at 708, 918 P.2d at 324. Therefore, we conclude the district court did not err by denying Campbell's motion without conducting an evidentiary hearing.

On appeal, Campbell argues the trial court erred in its determination of jail time credits and appellate counsel was ineffective for failing to object to the miscalculation of jail time credits. Campbell did not raise these claims in his motion below; therefore, we decline to consider them for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

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<sup>1</sup>We have reviewed all documents Campbell has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Campbell attempts to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance. *See id.*

cc: Hon. Erika Ballou, District Judge  
Damon Lamar Campbell  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk