

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEANGELO MARON MALONE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86232-COA

FILED

OCT 31 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Deangelo Maron Malone appeals from an order of the district court denying a motion to modify or correct an illegal sentence filed on July 18, 2022. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

In his motion, Malone claimed his sentence should be modified based on NRS 176.017, which allows a district court to sentence a person who was a juvenile at the time of the crime, but certified as an adult, to less than the minimum sentence. “[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 Malone'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 Malone's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jennifer L. Schwartz, District Judge
Deangelo Maron Malone
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk