

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TAVIAN HENDERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87315-COA

FILED

JUN 04 2024

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

ORDER OF AFFIRMANCE

Tavian Henderson appeals from a district court order denying a motion to modify or correct an illegal sentence filed on August 22, 2023. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

In his motion, Henderson challenged the computation of time he has served. “[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 Henderson’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 his motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Mary Kay Holthus, District Judge
Tavian Henderson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk