


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86930-COA

FILED

JUN 20 2024

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

ORDER OF AFFIRMANCE

John Elvin Turner appeals from a district court order denying a motion for modification of sentence filed on March 28, 2023, and a motion to modify and/or correct an illegal sentence filed on April 19, 2023.¹ Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

In his motions, Turner contended the district court erred in sentencing him on the charge of child abuse because there was no evidence, or insufficient evidence, that he committed child abuse and because the charge was the result of retaliation by the Las Vegas Metropolitan Police Department.

“[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

¹Although the district court’s July 17, 2023, order appears to deny only Turner’s motion for modification of sentence, the district court stated at a hearing on May 25, 2023, that it viewed the motions as “essentially the same” and that it was denying both motions.

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 Turner'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 summarily denying Turner's motions, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Eric Johnson, District Judge
John Elvin Turner
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk