

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH RICHARD MORTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87569-COA

FILED

JUN 20 2024

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

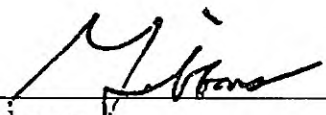
ORDER OF AFFIRMANCE

Joseph Richard Morton appeals from a district court order denying a motion to modify or correct an illegal sentence filed on September 28, 2023. Tenth Judicial District Court, Churchill County; Thomas L. Stockard, Judge.

In his motion, Morton asked the district court to order his sentences to run concurrently as that was Morton's understanding of the guilty plea agreement and the sentencing structure ordered by the court. "[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.* Without considering the merits of Morton's claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence.

Accordingly, the district court did not err by denying Morton's motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Thomas L. Stockard, District Judge
Joseph Richard Morton
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk