

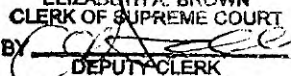
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EVIER DIAZ PAEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87381-COA

**FILED**

JUL 26 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Evier Diaz Paez appeals from a district court order denying a motion to modify or correct an illegal sentence filed on August 8, 2023. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.


In his motion, Paez claimed his sentence should be modified or corrected because (1) the judgment of conviction erroneously ordered him to pay restitution when restitution is a matter for a civil action that must be enforced by a writ of execution; (2) the victim did not submit a claim for restitution, and the Division of Parole and Probation is not a victim; (3) the judgment of conviction is not final because it does not set an amount of restitution for each victim and does not identify the victim as required by NRS 176.033(3) and NRS 176.105(1)(c); and (4) without a named victim, the order of restitution constitutes an “illegal seizure of money.”

“[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

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imposed in excess of the statutory maximum. *Id.* Without considering the merits of Paez's claims, we conclude they fall outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. Accordingly, we conclude the district court did not err by denying Paez's motion, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Carli Lynn Kierny, District Judge  
Evier Diaz Paez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk