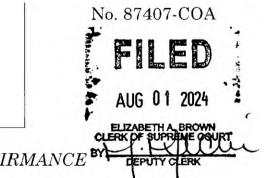
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DESHAWN ROBINSON, Appellant, vs. THE STATE OF NEVADA, Respondent.



ORDER OF AFFIRMANCE

Deshawn Robinson appeals from a district court order denying a motion to modify or correct an illegal sentence filed on September 6, 2023. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

In his motion, Robinson claimed that the State had insufficient evidence to demonstrate that he committed robbery with the use of a deadly weapon and conspiracy to commit robbery. "[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 Robinson's claims, we conclude they fall outside the narrow scope of claims permissible in a motion

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to modify or correct an illegal sentence. Therefore, we conclude the district court did not err by denying Robinson's motion, and we

ORDER the judgment of the district court AFFIRMED.¹

C.J.

Gibbons

J.

Bulla

J.

Westbrook

Hon. Carli Lynn Kierny, District Judge cc: **DeShawn** Robinson Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk

¹In his notice of appeal, Robinson appears to argue that the State confessed to error by not responding to his motion. However, the State filed a response on September 12, 2023. Therefore, Robinson is not entitled to relief on this claim.

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