

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD MARTICIO HEYNE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87877-COA

FILED  
AUG 15 2024  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

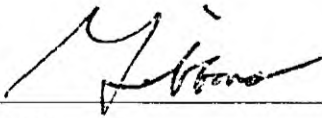
Richard Marticio Heyne appeals from a district court order denying a motion to modify his sentence filed on October 26, 2023. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

In his motion, Heyne claimed his sentence should be modified because one of his two victims recanted the allegations against him. “[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).

Without considering the merits of Heyne’s claim, we conclude it falls outside the narrow scope of claims permissible in a motion to modify.

Therefore, we conclude the district court did not err by denying Heyne's motion, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Crystal Eller, District Judge  
Richard Marticio Heyne  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk