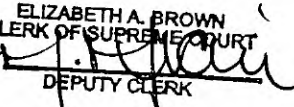


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID JOSEPH TIFFANY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88230-COA

FILED
SEP 27 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

David Joseph Tiffany appeals from a district court order denying a motion to modify or correct an illegal sentence filed on January 22, 2024.¹ Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his motion, Tiffany claimed that his five convictions for child abuse and neglect were invalid because the information did not fully apprise him of the nature of the charges, there was no evidence indicating the victims suffered pain or suffering, and NRS 200.508 was unconstitutional.

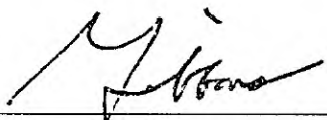
“[A] motion to modify a sentence is limited in scope to sentences based on mistaken assumptions about a defendant’s criminal record which work to the defendant’s extreme detriment.” *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). A motion to correct an illegal sentence may only challenge 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.* “A motion to correct an illegal sentence presupposes a valid conviction and may not, therefore, be

¹Tiffany’s motion was also filed on January 24, 2024.

used to challenge alleged errors in proceedings that occur prior to the imposition of sentence.” *Id.* (internal quotation marks omitted). 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 Tiffany’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 denying Tiffany’s motion,² and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
David Joseph Tiffany
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²To the extent Tiffany raises claims on appeal that were not raised in his motion below, we decline to consider any such claims in the first instance. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989).